
Sunflower Army Ammunition Plant Johnson County, Kansas

Supplemental Environmental Assessment

Supplement to December 1999 Environmental Assessment

Lead Agency:

U.S. General Services Administration

Public Buildings Service, Property Disposal Division

Fort Worth, Texas



Cooperating Agencies:

Kansas Department of Health and Environment

Topeka, Kansas

Johnson County

Olathe, Kansas

City of DeSoto

DeSoto, Kansas

Prepared in Conjunction with:

Tetra Tech EM Inc.

Lenexa, Kansas

January 2004

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January 2004

**U.S. GENERAL SERVICES ADMINISTRATION
GREATER SOUTHWEST REGION
819 TAYLOR STREET
FORT WORTH, TEXAS 76102**

**SUNFLOWER ARMY AMMUNITION PLANT
JOHNSON COUNTY, KANSAS
PROPOSED PROPERTY DISPOSAL**

**AGENCY DECISION NOT TO RATIFY ORIGINAL
FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

**AGENCY DECISION TO DEVELOP AND ISSUE SUPPLEMENTAL
ENVIRONMENTAL ASSESSMENT (EA)**

The U.S. General Services Administration issues this memorandum in accordance with the Property Act (40 U.S.C §§501, et seq.) (hereinafter referred to as either “GSA” or “Agency”), by and through its authorized representatives.

I. BACKGROUND OF ORIGINAL FONSI DECISION

On June 25, 2003, GSA issued its proposal to ratify that certain January 3, 2000, original finding of no significant impact (hereinafter referred to as the “Original FONSI”) concerning the proposed property disposal of Sunflower located in Johnson County, Kansas. A true and correct copy of the Original FONSI, dated January 3, 2000, issued by the Agency, by and through its Regional Administrator for the Greater Southwest Region, John Pouland, is attached hereto, marked Exhibit 1 and made a part hereof.

GSA issued the Original FONSI in accordance with the provisions of the National Environmental Policy Act (NEPA), (42 U.S.C. §§4321, et seq.) and its implementing regulations (40 CFR §§1501, et seq.). The proposed disposal of the property would remove it from exclusive Federal jurisdiction.

The purpose of GSA’s proposed disposal of Sunflower is to effectively manage the Federal government’s real property inventory through disposition of surplus property. The need for the proposed disposal is to: (1) minimize Federal protection and maintenance expenses by eliminating property from the Federal inventory that no longer serves a mission need; (2) ensure that real property is returned to productive use, thereby generating tax revenues and supporting important state and local public benefit programs; and (3) avoid waste and protect real property value, including cultural, environmental, and historic values, through careful and efficient disposition.

The Original FONSI and original EA, dated January 19, 1999, addressed the Agency’s consideration whether to:

- (1) Transfer Sunflower in its entirety to the State of Kansas pursuant to the Early Transfer Authority described at Section 120(h)(3)(C) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA)(42 U.S.C. §9620(h)(3)(C);

- (2) Transfer Sunflower over time in separate parcels to one or more non-Federal entities without utilizing the Early Transfer Authority; or,
- (3) Take no action and retain Federal ownership of Sunflower.

GSA's action, the administrative act of effecting any transfer of ownership to non-Federal entities, did not include control of any reuse other than imposing certain deed restrictions for the protection of human health and the environment and of historical and archeological resources. Future development and reuse would be determined by subsequent owners and will be subject to local zoning, permitting, and land use controls, such as the Johnson County Land Use Concept Plan. A true and correct copy of the Johnson County Land Use Concept Plan (adopted July 23, 1998) is attached hereto, marked Exhibit 2, and made a part hereof.

GSA published for public review and comment its DRAFT EA and DRAFT FONSI on or about February 11, 1999. After review of the comments received from interested agencies and local citizens, GSA thereafter issued its final EA, dated December 23, 1999, which is attached hereto, marked Exhibit 3, and made a part hereof.

The Agency thereafter proceeded to issue its Original FONSI, dated January 3, 2000. In his original decision, Mr. Pouland specifically found that, in accordance with NEPA and its implementing regulations (40 CFR 1500-1508) and based upon the data contained in the EA dated December 23, 1999, the proposed disposal of Sunflower would not significantly affect the quality of human health and the environment and did not warrant the preparation of an Environmental Impact Statement.

More specifically, Mr. Pouland determined:

- (1) The beneficial impacts of disposal include the return of jurisdiction and land use control to the County, imposition of deed restrictions to protect human health and the environment, discounted conveyance of parcels for public benefit uses, and making property available for private development and the related societal and economic benefits to the State and local community.
- (2) GSA was to impose deed restrictions, pending remediation, to limit use of, or access to, contaminated soil, groundwater, and facilities that may pose a threat to human health.
- (3) The Kansas Department of Health and Environment (KDHE) as well as the Governor of Kansas must approve the adequacy of environmental protections. KDHE would oversee all cleanup activities and will determine when (and if) deed restrictions can be lifted.
- (4) Johnson County had indicated that it would not issue any building permits unless there is a certification by the County Environmental Department, KDHE, and the U.S. Environmental Protection Agency (EPA) that the development site is safe for construction or use.
- (5) In addition, GSA, in consultation with the Kansas State Historic Preservation Officer (KS-SHPO), would use deed provisions to protect historic and archeological resources.

II. NEED FOR REASSESSMENT OF ORIGINAL FONSI DECISION

After the date the FONSI was published, GSA consulted with the KS-SHPO, the U.S. Army, the Advisory Council On Historic Preservation (ACHP), as well as a number of state and local governmental

organizations, educational institutions, community organizations, and Native American tribes and organizations, to provide for deed restrictions “to protect historic and archeological resources” as contemplated by the original FONSI. With the aid and comments from experts and the consulting parties described above, GSA undertook its National Historic Preservation Act (NHPA) study and final determination concerning the historical and archeological impacts to Sunflower following its proposed disposition. The NHPA, Section 106 process is now completed and has resulted in a Programmatic Agreement between GSA, the U.S. Army, the KS-SHPO, and the ACHP. A true and correct copy of this Programmatic Agreement, dated April 3, 2003, with attachments, is attached hereto as Exhibit 4, and is incorporated by reference and made a part of this determination.

In addition to review of the completed NHPA Section 106 process, I also reviewed the administrative record leading up to the original FONSI determination, dated January 3, 2000. A true and correct copy of the list of documents contained in the original NEPA administrative record is attached hereto, marked Exhibit 5, and made a part hereof.

III. ISSUANCE OF PROPOSED RATIFICATION FINDING

Based on my review of the aforementioned documents and authorities, on June 25, 2003, I issued my proposed determination that there are no significant new circumstances or information presented in these materials that materially alter the findings and determinations reached in the EA dated December 23, 1999, and the original FONSI, issued by this Agency dated January 3, 2000. Based on the foregoing, I further proposed to ratify and adopt the original FONSI dated January 3, 2000 as my own separate determination that the disposal of Sunflower does not adversely affect the quality of the human environment and does not warrant the preparation of an Environmental Impact Statement.

I further caused notice to be published in local newspapers of my proposed actions requesting public comment of the Agency proposed ratifications actions. I further state that the public comment period has ended and that the Agency received written comments from six (6) different citizens as well as one (1) public interest group. True and correct copies of the written comments are attached hereto, marked Exhibit 6, and made a part hereof.

IV. DETERMINATION

Based on my careful review of all Agency materials associated with this matter together with the written comments received by members of the public, I have made the following determinations:

- A. I have determined not to ratify the Original FONSI, dated January 3, 2000. I further order that the Agency prepare and issue a supplemental EA for Sunflower pursuant to Agency guidelines set forth in Chapter 8 of the PBS NEPA Desk Guide, dated October 1999.
- B. The Supplemental EA is to discuss the following two alternatives for the proposed action:
 - (1) The No-Disposal Alternative
 - (2) Disposal of the Property to Non-Federal Entities Alternative
- C. Upon the completion and allowance for public comment of the proposed Supplemental EA to be developed for the proposed action, the Agency, by and through its authorized representative, will issue its determination, pursuant to 40 CFR §1508.9, whether to:
 - (1) prepare an environmental impact statement, (2) prepare a finding of no significant

impact, or (3) issue a decision to withdraw the proposed action on the basis of its environmental impacts.

V. BASIS FOR DETERMINATIONS

In reaching the aforementioned determinations, I have made the following findings:

- A. The length of time from the issuance of the Original FONSI justified the need to review the continued accuracy of the information developed by the Agency in the current administrative record.
- B. During the interim, there have been continuous environmental characterization and remediation activities conducted at Sunflower that have improved the environmental condition of the lands within its exterior boundaries from the date of the issuance of the original EA. As a result, there is a more clear and concise description of the nature and scope of environmental contaminants located on certain portions of Sunflower.
- C. The administrative process for Sunflower required pursuant to the NHPA (40 U.S.C. §§470, et seq.) and its implementing regulations found in 40 CFR, Part 800 has been recently completed as evidenced by that certain Sunflower programmatic agreement, dated April 3, 2003. These materials should be incorporated into the Supplemental EA.
- D. In working with KDHE, both the Federal government and KDHE have determined that significant portions of the lands comprising Sunflower have no environmental contamination and that such lands are currently available for conveyance with the Federal government's CERCLA covenant required under Section 120(h)(3)(A)(i) of CERCLA (42 U.S.C. §9620(h)(3)(A)(i)). This data should be incorporated into the Supplemental EA.

True and correct copies of the aforementioned materials and this ratification proposal are available on-line at http://propertydisposal.gsa.gov/mip/army/sunflower/sunflower_library.asp.

In addition, the aforementioned materials will be made available for public display at the Sunflower Army Ammunition Plant and at branches of the Johnson County Library.

APPROVED

Scott Armey
Regional Administrator
General Services Administration,
Greater Southwest Region (7A)
U. S. General Services Administration

Date

COVER PAGE

SUPPLEMENTAL EA FOR THE PROPOSED DISPOSAL OF THE SUNFLOWER ARMY AMMUNITION PLANT JOHNSON COUNTY, KANSAS

LEAD AGENCY:

GSA
Public Buildings Service (9PRF-10)
400 15th Street S.W.
Auburn, WA 98001

Contact: Blaine Hastings Phone: (253) 931-7550
Fax: (253) 931-7554

ABSTRACT:

This Supplemental EA was prepared pursuant to NEPA. This document includes the EA/FONSI that was published and circulated in December 1999. Supplemental information is provided in the front of this document and it updates the information that was released by GSA in 1999. This document provides dated and probable environmental impacts and mitigation measures that have been identified and addressed for the following alternatives:

The No-Action Alternative: Retain the property under Federal ownership.

Property Disposal Alternative: Proceed with the disposal of the Sunflower Plant in one of two ways.

- Disposal of the entire property to the State of Kansas or local Government entity.
- Disposal of individual parcels to one or more entities over a period of time.

The Property Disposal Alternative is the GSA preferred alternative.

Under any of the disposal options and subsequent reuse of the property, all future property owners and developers would be required to comply with state and local regulations, land use restrictions, zoning ordinances, and any deed restrictions made part of or subsequent to this disposal.

Taking into account the direct beneficial impacts and measures to mitigate the adverse indirect and cumulative impacts, GSA finds that the proposed disposal of Sunflower does not significantly affect the quality of the human environment and does not warrant the preparation of an Environmental Impact Statement. The proposed FONSI is included herein.

PUBLICATION DATE:

January 16, 2004

COMMENT PERIOD ENDS:

February 20, 2004

Comments should be submitted, in writing, to the address or fax number shown above. They must be *received* by GSA by the end of the comment period.

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INTRODUCTION

January 2003 Supplement to the Sunflower Army Ammunition Plant December 1999 EA

This document is intended to provide updated information that may have changed since the publication of the EA in 1999. The information provided herein is based on the best available current information. The *Annotated Table of Contents* within this Supplemental EA represents the original EA's contents, noting where there have been changes that are contained in this Supplemental EA.

The updated information in this Supplemental EA falls into one of the following categories:

- Changes in the proposed reuses of the property
- Mitigation for historic resources on the property
- Demographic or publicly available statistical information currently available
- Current status of the contamination characterization and clean-up activities

This document identifies potential impacts and mitigation (if any) resulting from changes in the proposed reuse, changes in the environment of the Sunflower Army Ammunition Plant property since December 1999, and additional mitigation that has been or may be undertaken to minimize impacts from the Proposed Disposal.

A copy of the entire December 1999 EA can be reviewed or downloaded from the GSA Property Disposal web site located at:

<http://propertydisposal.gsa.gov/mip/army/sunflower/sunflower.asp>

A complete set of all the documents referenced in this supplemental EA, including the original 1999 EA and the Finding of Suitability for Early Transfer (FOSET) document, are available at the following public libraries:

DeSoto Library
33145 West 83rd Street
Desoto, KS 66018
(913) 583-3106

Hours of Operation:
Sun – Mon: CLOSED
Tue, Wed, & Fri: 10am – 6 pm
Thu: 10am – 8pm
Sat: 10am – 2pm

Central Resource Library
9875 West 87th Street
Overland Park, KS 66212
(913) 495-2400

Hours of Operation:
Mon – Thu: 9am – 9pm
Fri: 9am – 6pm
Sat: 9am – 5pm
Sun: 1pm – 5pm

Olathe Public Library
201 East Park
Olathe, KS 66061
(913) 764-2259

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Sat: 9am – 5pm
Sun: 1pm – 5pm

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ALTERNATIVES

(Replace the second bullet on page II-1 of the 1999 EA with the following text.)

- **Property Disposal Alternative:** Proceed with disposal of Sunflower in one of two ways:
 - Disposal of the entire property to the State of Kansas or local government entity, or;
 - Disposal of the individual parcels to one or more entities over a period of time.

(Replace the first bullet on page II-2 of the 1999 EA with the following text.)

- . . . the five year impact assessment window used in this EA encompasses and accounts for the impacts from this potential development – the higher intensity impact scenario.

(Note: Johnson County has rejected Oz Entertainment Company (Oz) as the potential developer at Sunflower. Although the Oz proposal is no longer being considered for the further development of Sunflower, we will continue to use the Oz plan to analyze a higher intensity impact scenario as part of this EA.)

CURRENT STATUS OF CONTAMINATION

The U.S. Government intends to transfer all real property at Sunflower, in DeSoto, Kansas, consisting of 9,065 acres (see Exhibit SUPP-1). The State of Kansas, Johnson County, City of DeSoto, and several local Government entities have indicated an interest in acquiring some or all of the property for mixed-use development. Sunflower was used primarily for the production of propellant needed for the Department of Defense. Currently the Army is undertaking environmental investigation and remedial activities at Sunflower to address hazardous substance contamination on the installation. The Army is also undertaking the explosive decontamination of the installation. These activities may not be completed prior to the transfer of some portions of the property.

Under Federal Law, the Army may transfer Sunflower prior to the completion of remediation activities, if the Governor of Kansas determines, among other facts, that: the property is suitable for Early Transfer; the intended use is consistent with the protection of human health and the environment; adequate assurance exists that all necessary response actions will be taken; and the required response actions will not be delayed. The specific statutory requirements are set forth in Section 120(h)(3)(c) of CERCLA. The mechanism through which this occurs is called a Covenant Deferral Request.

A Preliminary FOSET was approved by the Army on May 15, 2003, and the Governor of Kansas on July 24, 2003. The Preliminary FOSET summarized the environmental conditions at Sunflower and identified restrictions and controls to allow the property to be transferred without causing an unacceptable risk to human health and the environment and without interfering with the on-going Sunflower environmental remedial activities. A final FOSET will be prepared and made available for public comment once all the Early Transfer documents are completed. The Early Transfer is contingent upon the completion of such documents as: KDHE/Developer consent order; Government/State Agency/Developer conveyance agreement; Army/Developer agreement; and State Agency/Developer agreement. The effect of the approval of the FOSET by the Governor will be to allow the Early Transfer of the property.

The approved Preliminary FOSET and a draft of the KDHE/Developer consent order may be viewed at: http://propertydisposal.gsa.gov/mip/army/sunflower/sunflower_library.asp (see Exhibit SUPP-2).

A complete set of all the documents referred to in this supplemental EA, including the original 1999 EA and the FOSET document, are available at the following public libraries:

DeSoto Library
33145 West 83rd Street
Desoto, KS 66018
(913) 583-3106

Hours of Operation:
Sun – Mon: CLOSED
Tue, Wed, & Fri: 10am – 6 pm
Thu: 10am – 8pm
Sat: 10am – 2pm

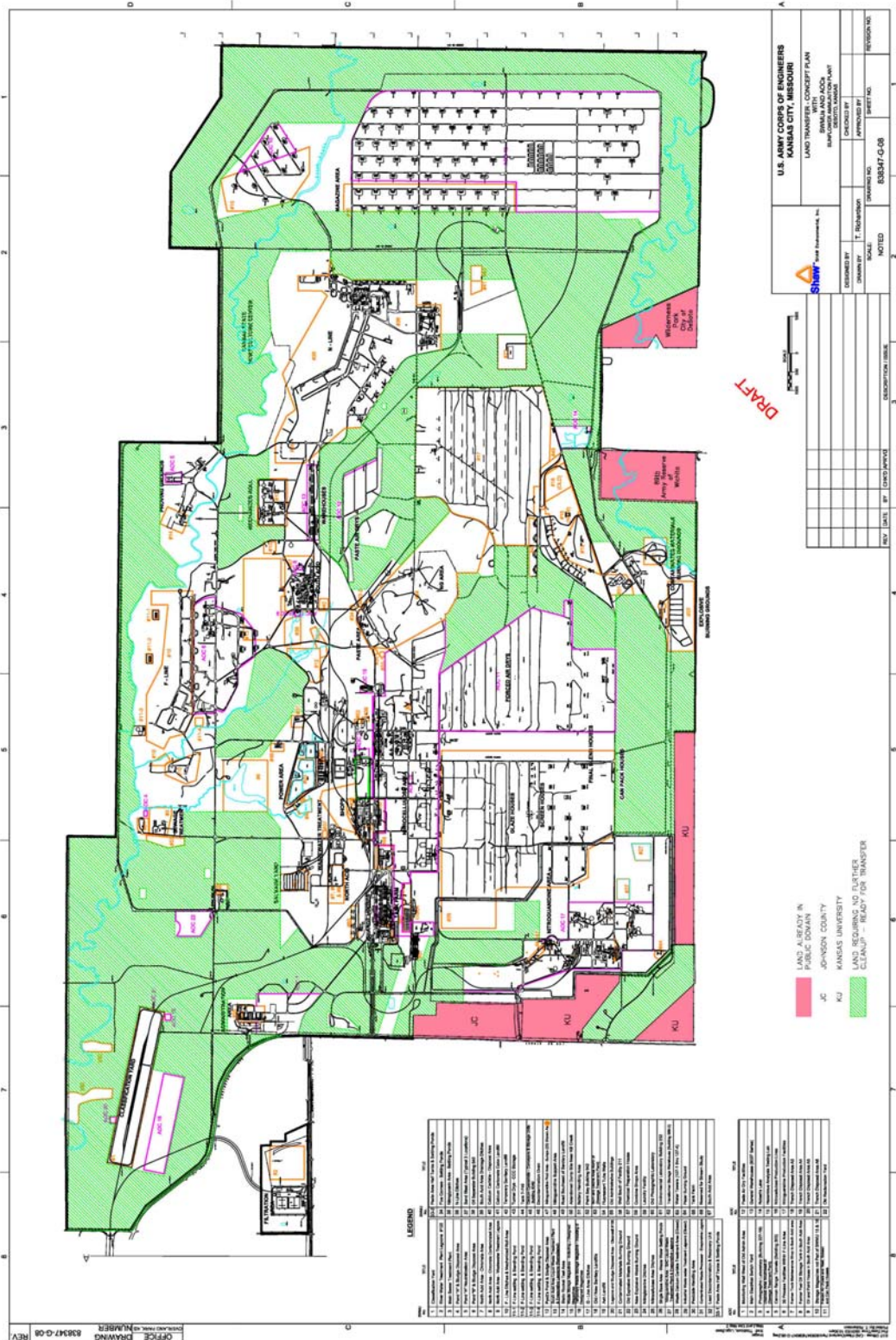
Central Resource Library
9875 West 87th Street
Overland Park, KS 66212
(913) 495-2400

Hours of Operation:
Mon – Thu: 9am – 9pm
Fri: 9am – 6pm
Sat: 9am – 5pm
Sun: 1pm – 5pm


Olathe Public Library
201 East Park
Olathe, KS 66061
(913) 764-2259

Hours of Operation:
Mon – Thu: 9am – 9pm
Fri: 9am – 6pm
Sat: 9am – 5pm
Sun: 1pm – 5pm

Exhibit SUPP-1
Land Areas Requiring No Further Action



LEGEND

SWMU No.	TITLE	SWMU No.	TITLE
1	Classification Yard	33-2	Paste Area Half Tanks & Settling Ponds
2	River Water Treatment Plant Lagoons #123	34	Five Corners – Settling Ponds
3	Main Sewer Treatment Plant	35	Nitroglycerin Area – Settling Ponds
4	Pond "A" & Sludge Disposal Area	36	N-Line Ditches
5	Pond "A" Neutralization Area	37	Sand Blast Area (Typical 3 Locations)
6	Pond "B" & Sludge Disposal Area	38	Oil Separator Building 542
7	North Acid Area – Chromate Area	39	South Acid Area Drainage Ditches
8	North Acid Area – Chromate Contaminated Area	40	Calcium Carbide – Disposal Area
9	North Acid Area – Wastewater Treatment Lagoon	41	Calcium Carbonate Cake Landfill
10	F – Line Ditches & Mechanized Roll Area	42	Temporary Sanitary Landfill
11-1	F-Line settling & Blending Pond	43	Tunnel Drys – CCC Storage
11-2	F-Line settling & Blending Pond	44	Tank T-748
11-3	F-Line settling & Blending Pond	45	Calcium Cyanamide – Conveyors & Storage Units Building 9040
11-4	F-Line settling & Blending Pond	46	Decontamination Oven
12	Pyott's Pond & Sludge Disposal Area	47	Nitroguanidine Prod Area – Sumps (23) Shown As 
13	South Acid Area Liquid Waste Treatment Plant & Evaporative Lagoons (Remediated)	48	Nitroguanidine Support Area
14	Static Rocket Test Area	49	Road Southeast of Sanitary Landfill
15	Waste Storage Magazines – Including J Designed Magazines	50	Abandoned Dump Site Near Kill Creek
16	Temporary Waste Storage Magazine – Including B Designed Magazines	51	Battery Handling Area
17	G – Line Area Ditches	52	Paint Bay Building 542
18	Old / New Sanitary Landfills	53	Burn and Debris Area North of (Sewage Treatment Plant)
19	Ash Landfill	54	Fluorescent Tube Wells
20	Lagoons and Sludge Disposal Area – Clearwell #165	55	Old Administrative Buildings
21	Contaminated Materials Burning Ground	56	Well South of Facility 211
22	Old Explosive Waste Burning Ground	57	Chemical Preparation House
23	New Explosive Waste Burning Ground	58	Combine Shops Area
24	Nitroglycerine Ditches	59	Laundry Facility
25	Nitrocellulose Area Ditches	60	Old Photographic Laboratory
26	Single Base Area – Waste Water Settling Ponds	61	Environmental Laboratory Building 232
27	Nitroguanidine Area – SAC Liquid Waste Treatment Plant & Evaporative Lagoons	62	Transformer Storage Warehouse (Building 566-2)
28	Waste Calcium Carbide Treatment Area (Closed)	63	Water Towers (127-1 thru 127-4)
29	Industrial Waste Water Treatment Lagoons (Closed)	64	Paper Burning Ground
30	Pesticide Handling Area	65	Tank Farm
31	Contaminated Waste Processor – Evaporative Lagoon	66	Reserved for Stream Study
32	Lead Decontamination & Recovery Unit	67	South Acid Area
33-1	Paste Area Half Tanks & Settling Ponds		

AOC No.	TITLE	AOC No.	TITLE
1	Monitoring Well West of Old Admin Area	12	Paste Air Dry Facilities
2	Main Electrical Switch Yard	13	General Warehouses (8037 Series)
3	Photographic Laboratory (Building 227-18)	14	Robert's Lake
4	Disposal Area Southwest of (Sewage Treatment Plant)	15	Hazardous Analysis Testing Lab
5	Cannon Range Tunnels (Building 303)	16	Nitrocellulose Production Lines
6	35 Process Facilities Within F-Line Area	17	Nitroguanidine Production Facilities
7	Former Truck Maintenance Shop in South Acid Area	18	Trench Disposal Area A3
8	Former Fuel Oil Storage Tank in South Acid Area	19	Trench Disposal Area A4
9	Oil and Paint House in South Acid Area	20	Trench Disposal Area A5
10	Storage Magazines not Part of SWMU 15 & 16	21	Trench Disposal Area A6
11	Forced Air Dryers and Rest, Screen and Can Pack Houses	22	Old Reclamation Yard

Exhibit SUPP-2 GSA Website for Sunflower

**General
Services
Administration**



ARMY Properties

[Main Library](#) | [Online Mapping](#) | [Points of Contact](#) | [Site Map](#) | [FAQ](#) | [Search](#) | [MP Home](#)

Badger, AAP

Kansas, AAP

Sunflower, AAP

[Images](#)
[Library](#)
[Links](#)
[Newsletter](#)
[AP Home](#)

Tarheel, AMP

Twin Cities, AAP

Volunteer, AAP


**ARMY
Newsletters**

Contact

*The following documents may be too large for your computer to handle.
Hard copies of the documents are available at the Johnson County libraries
and the Olathe Library (201 E. Park Street, Olathe, KS 913-393-6888).*

Sunflower Preliminary FOSET **NEW**

- [Site map with legal description of property](#)
- [Site map depicting areas with explosively contaminated buildings, structures and foundations \(does not include industrial sewer lines\)](#)
- [Johnson County Reuse Plan](#)
- [Contents of Deed or Transfer Agreement](#)
- [List of Environmental Studies](#)
- [Explosive Categorization Matrix](#)
- [Site maps depicting explosively contaminated underground industrial sewer lines](#)
- [SWMU Map & Description](#)
- [Hazardous substance storage activities](#)
- [Public comments, Response to public comments](#)

KDHE/Developer Consent Order Template **NEW**

- [Army Addendum](#)

[Draft Section 106 MOA](#)

[SFAAP Cultural Resources Management Plan](#)

[Pre-1955 buildings surveyed for Section 106 Compliance](#)

MOA Conveyance Agreement (190KB)

- [Exhibits](#)

Public Benefit Transfer Agreements

Approved Public Benefit Recipients:

- University of Kansas
- Kansas State University
- City of DeSoto
- Johnson County Water District
- Johnson County Parks and Recreation
- DeSoto Unified School District

Final SFAAP Environmental Assessment (104MB)

- Environmental Assessment findings

SFAAP Environmental Assessment Signature Page (77KB)

- Separate signature page for easy reference

Final SFAAP FONSI (77KB)

- Finding of No Significant Impact for proposed property disposal (January 3, 2000)

Sunflower Army Ammunition Plant


- Plant information from the EPA, Region 7.

Johnson County

- Plant capability information from the Army IOC web page

Sunflower Restoration Advisory Board Meeting Minutes

- [February 2001](#)



[Navy Properties](#)

http://propertydisposal.gsa.gov/mip/army/sunflower/sunflower_library.asp

12/26/2003

LAND AREAS REQUIRING NO FURTHER ACTION

The green or dark striped areas shown in Exhibit SUPP-1 outline the sections of Sunflower that require no further cleanup and have no explosive risk. These areas are ready for transfer and may be immediately conveyed with a CERCLA warranty. The lighter colored sections of the map indicate areas where additional study or cleanup is required. These areas will be conveyed using Early Transfer authority with a deferral of the CERCLA warranty until the cleanup is completed. The Governor must approve the use of the Early Transfer authority.

CHANGES IN PROPOSED REUSE

(Add the following paragraph to the end of Section B. Sunflower Reuse Assumptions, on page IV-2 of the 1999 EA with the following text.)

There has been no change in the Johnson County reuse plan as originally proposed. The County has rejected Oz as the potential developer at Sunflower. Although the Oz proposal is no longer being considered for the further development of Sunflower, we will continue to use the Oz plan to analyze a higher intensity impact scenario as part of this EA.

MITIGATION FOR HISTORIC RESOURCES

(Replace the first bullet on page IV-7 of the 1999 EA with the following text.)

▪ **Mitigation**

GSA has completed the Section 106 process under the NHPA for the proposed disposal of the Sunflower property. As discussed in the EA released by GSA in December 1999, on page 13, Federal Agencies are required to consider the effects of their actions on historic properties and consider the effects of their undertakings on these resources, and afford the ACHP an opportunity to comment.

In 2001, GSA initiated the Section 106 process under NHPA for the disposal of the Sunflower property. The Section 106 process is the federal review process designed to ensure that federal agencies consider historic properties and Tribal Cultural Properties identified during project planning and execution. For the Sunflower proposed property disposal, the U.S. Army, the ACHP, and the Kansas State Historic KS-SHPO, and interested Tribes, were invited to participate in the Section 106 review process. The local community was also asked to participate and several public meetings were held.

Summary documents and relevant correspondence records generated from October 2001 to March 2003 were provided to the local libraries for public comment and review in the six categories listed below.

- Cultural Resources
- Cover Letters
- Memorandum of Agreement (MOA)
- Public Participation
- Reference Material
- Tribal Consultations

Exhibit SUPP-3 is a summary of the activities completed as part of this 15-month process. It is followed by the MOA that was executed on February 14, 2003, completing the Section 106 process. This process serves to mitigate the proposed undertaking's adverse effects to historic properties, and the MOA below outlines these conditions.

Exhibit SUPP-3
Activities Completed for Sunflower Under Section 106 of the NHPA

OCTOBER 2001

- GSA, Sunflower personnel, and Tetra Tech EM Inc. (Tetra Tech) personnel attended a Section 106 review process kick-off meeting on October 2, 2001
- Reviewed previous public involvement activities and outreach and prepared a list of potentially interested Indian tribes regarding the Section 106 review process
- Reviewed existing cultural resource information and studies:
 - Eoff and Hill Survey, 1968
 - Mary Adair Archeological Survey, 1975
 - Nickens and Associates Cultural Resources Management Plan, 1985
 - Jim Feagins Survey, 1989
 - Jim Feagins Archeological Tests, 1991
 - Geo-Marine Cultural Resource Management Plan, 1996
 - O'Brien Archeological Survey, 1996
 - Roper Archeological Survey, 1998
 - Roper Archeological Survey, 2001
- Attended meeting with the Advisory Council on Historic Preservation, October 3, 2001
- Submitted Tribal Consultation Meeting Invitation Letter to the potentially interested Indian Tribes (19 tribes), October 12, 2001
- Submitted Tribal Consultation Meeting Invitation Letter to the Delaware Tribe of Shawnee Indians, October 15, 2001
- Initiated development of general public mailing list, to include general public, Indian Tribes, interested parties, and federal, state, and local representatives
- Submitted Section 106 Process General Public Announcement (176 mailings), October 23, 2001
- Submitted Tribal Consultation Meeting Agenda to the potential interested Indian tribes (20 tribes), October 23, 2001
- Prepared Cultural Resource Investigation Summary and Section 106 Process summary to be distributed to Tribal representatives at the Tribal Consultation Meeting scheduled for October 30, 2001
- Hosted Tribal Consultation Meeting on October 30, 2001.

NOVEMBER 2001

- Completed Cultural Reconnaissance Survey for the Roberts House, Draft Report, November 7, 2001
- Developed Public Newsletter, Draft November 9, 2001
- In accordance with the agreements made during the Tribal Consultation Meeting, collected Indian tribe allotment data from the National Archives, November 15, 2001
- Initiated Community Involvement Plan and Tribal Consultation Protocol Agreement.

Exhibit SUPP-3 (Continued)
Activities Completed for Sunflower Under Section 106 of the NHPA

DECEMBER 2001

- Distributed final version of the Tribal consultation meeting minutes, December 3, 2001
- Distributed a copy of the tribal allotment data collected from the National Archives to the Indian tribes, December 7, 2001
- Completed draft version of the Tribal Consultation Protocol Agreement, December 14, 2001
- Completed draft version of the allotment data letter report, December 19, 2001
- Completed final version of the Sam E. Roberts House Reconnaissance Form, December 19, 2001
- Completed draft final version of the public newsletter, December 19, 2001
- Submitted Tribal Consultation Protocol Agreement to tribes, December 29, 2001
- Submitted allotment data letter report, excel file, figures, and geographic information system (GIS) files to Indian tribes, December 29, 2001.

JANUARY 2002

- Completed draft Community Involvement Plan, January 10, 2002
- Provide Kaw Nation with additional information, a figure illustrating the streams and the area of Sunflower that has not been disturbed by previous development activities, January 11, 2002
- Submitted Kansas Historic Resources Inventory form for the Roberts House to the KS-SHPO, January 17, 2002
- Host conference call with the Kaw Tribe to discuss upcoming ground penetrating radar (GPR) survey at Sunflower, January 18, 2002
- Submit eligibility determination clarification letter to KS-SHPO, January 18, 2002
- Developed Viewshed Analysis and Noise Diffusion Cone Analysis based on the formerly proposed plans to develop a theme park at Sunflower, January 22, 2002
- Coordinated with Kaw Tribe and Sunflower personnel to perform an on-site GPR survey
- Completed initial GPR survey, January 23 through January 25, 2002.

FEBRUARY 2002

- Completed Sunflower Section 106 Newsletter, Volume 4, February 2002
- Developed Ambient Light Diffusion Cone Analysis based on the formerly proposed plans to develop a theme park at Sunflower
- Distributed agenda for allotment data conference call (Kaw Nation, Wyandot Nation of Kansas, and the Shawnee Tribe), February 12, 2002
- Hosted allotment data conference call, February 14, 2002
- Attended consultation party meeting with KS-SHPO and Sunflower personnel, February 15, 2002
- Submitted rural historic landscape eligibility determination to KS-SHPO, February 22, 2002
- Submitted Sunflower as a whole eligibility determination to KS-SHPO, February 28, 2002.

Exhibit SUPP-3 (Continued)
Activities Completed for Sunflower Under Section 106 of the NHPA

MARCH 2002

- Submitted letter to Bureau of Indian Affairs requesting copies of Selected Land Patents Issued to Shawnee Tribe Pursuant to the Treaty of 1854, March 1, 2002
- Completed Community Involvement Plan, March 5, 2002
- Received KS-SHPO concurrence on the eligibility of Sunflower as a whole (Sunflower as a whole is not eligible for listing on the National Register of Historic Places [NRHP]), March 6, 2002
- Received KS-SHPO comments on rural historic landscape eligibility determination, March 6, 2002
- Completed final viewshed and noise and ambient light diffusion cones, March 22, 2002
- Developed GIS coverages of viewshed and ambient light and noise diffusion cones and incorporated into Sunflower GIS project
- Identified properties listed on the NRHP that fall within the viewshed, the noise diffusion cone, and the ambient light diffusion cone to determine the area of potential effects (APE)
- Scheduled Public Meeting and prepare public notices for April 18, 2002.

APRIL 2002

- Submitted announcement of public meeting to local newspapers, April 2002
- Submitted public meeting invitation letter, April 10, 2002
- Delivered Sunflower Section 106 Public Information Repository binders to local libraries, April 15, 2002
- Developed public meeting agenda, summary of Section 106 activities completed to date and future activities, and description of Section 106 process for distribution at public meeting
- Hosted Public Meeting, April 18, 2002
- Performed record searches at the National Archives for historical maps and aerial photographs, April 2002.

MAY 2002

- Collected historical aerial photographs (1941, 1948, 1976) from Sunflower
- Updated public mailing list with information obtained from public meeting
- Scanned and rectified aerial photographs and incorporated into Sunflower GIS project
- Perform aerial photo survey of historical and current photographs to determine the locations of disturbed and undisturbed areas at the Sunflower (incorporated into GIS project)
- Developed GIS coverages of historical maps and features at Sunflower (incorporated into Sunflower GIS project)
- Coordinated with Kaw Nation and Shawnee Tribe to schedule onsite surveys.

Exhibit SUPP-3 (Continued)
Activities Completed for Sunflower Under Section 106 of the NHPA

JUNE 2002

- Submitted revised Tribal Consultation Protocol Agreement to Indian tribes, June 5, 2002
- Developed draft selection of Tribal Survey Areas and Cultural Resource Documentation, June 5, 2002
- Submitted revised rural historic landscape eligibility determination to KS-SHPO, June 7, 2002
- Assisted Shawnee Tribe during onsite survey at Sunflower of former Shawnee Tribe allotments, June 14, 2002
- Completed aerial photo survey and GIS data layer development, June 18, 2002
- Submitted draft tribal cultural resource identification and documentation criteria to KS-SHPO, June 18, 2002
- Submitted APE determination and documentation to KS-SHPO, June 26, 2002
- Scheduled follow-up GPR survey with Kaw Nation, Shawnee Tribe, and Absentee Shawnee Tribe, scheduled for July 9, 2002
- Scheduled public meeting for August 22, 2002
- Received KS-SHPO concurrence on eligibility of Sunflower as a rural historic landscape (Sunflower is not eligible as a rural historic landscape for listing on the NHRP), June 28, 2002
- Developed draft GIS coverage of the disturbed and undisturbed areas at the Sunflower
- Initiated draft MOA.

JULY 2002

- Received KS-SHPO concurrence on APE (boundary of Sunflower is the APE), July 1, 2002
- Assisted Shawnee Tribe and Kaw Nation with GPR Survey, July 8 to 10, 2002
- Submitted tribal site GPR Trip Report, July 15, 2002
- From information collected during July 8 to 10 site visit, completed Kansas State Historical Society Archeological Site Form and submitted to KS-SHPO, July 17, 2002
- Contacted Army Material Command and Kansas Department of Health and the Environment to obtain Area of Concern and Solid Waste Management Area Maps, July 15, 2002
- Developed GIS coverage of area of concern and waste management area maps
- Contacted California and Oregon Trails Association regarding completion of final report, July 15, 2002
- Received KS-SHPO comments on the draft MOA, July 17, 2002
- Scheduled public meeting for August 22, 2002
- Submitted newspaper advertisements for Public Meeting to GSA, July 19, 2002
- Revised MOA and submitted to KS-SHPO, July 22, 2002
- Received KS-SHPO comments on the Tribal Consultation Protocol Agreement, July 25, 2002.

Exhibit SUPP-3 (Continued)
Activities Completed for Sunflower Under Section 106 of the NHPA

AUGUST 2002

- Submitted determination of no historic sites affected in low probability area to KS-SHPO, August 13, 2002
- Contacted Kaw Tribe regarding tribal GPR report for July 8 to 9 site survey
- Contacted California and Oregon Trails Association regarding completion of final trails report
- Received KS-SHPO comments on the draft tribal cultural resource identification and documentation criteria, August 15, 2002
- Prepared Public Meeting Agenda and Section 106 tasks completed-to-date as a handout, August 22, 2002
- Attended meeting with KS-SHPO, August 22, 2002
- Hosted public meeting, August 22, 2002
- Submitted Historic Building Conditions Survey of the Roberts House to KS-SHPO, August 28, 2002
- Revised MOA and Covenants, August 30, 2002.

SEPTEMBER 2002

- Submitted letter to the Indian tribes requesting historical property and traditional cultural property information, September 23, 2002
- Undated public mailing list with information obtained from public meeting
- As requested by KS-SHPO and ACHP, submitted Section 106 review process information to Kansas Attorney General's Office, for interpretation on MOA, September 25, 2002.

OCTOBER 2002

- Submitted draft MOA to signatories (GSA, U.S. Army, KS-SHPO, ACHP) and the Kansas Attorney General's office for review, October 7, 2002
- Responded to comments provided by the signatories and the Kansas Attorney General's office on the MOA
- Submitted final public draft of MOA to signatories and consulting parties, October 18, 2002
- Received Final Study of Historic Trails on the Grounds of the Sunflower Army Ammunition Plant, Section 106 Report, October 18, 2002
- Submitted new Section 106 review process files to Information Repositories, October 23, 2002.

NOVEMBER 2002

- Assembled comments received on final public draft MOA
- Delivered copy of Sunflower GIS project on compact disk to signatories of MOA (compact disk is not publicly available due to sensitive nature of cultural resource information), November 14, 2002
- Consulted with signatories to MOA (U.S. Army, KS-SHPO, and ACHP) and addressed comments
- Prepared GIS project for distribution to interested parties.

Exhibit SUPP-3 (Continued)
Activities Completed for Sunflower Under Section 106 of the NHPA

DECEMBER 2002

- Updated Information Repositories
- Consulted with signatories to MOA (U.S. Army, KS-SHPO, and ACHP)
- Revised MOA and Covenants
- Prepared response to comments on the MOA dated October 18, 2002.

JANUARY 2003

- Consulted with signatories to MOA (U.S. Army, KS-SHPO, and ACHP) and with the Kansas Attorney General
- Revised MOA and Covenants
- Submitted response to comments on the MOA (dated October 18, 2002) to signatories and concurring parties.

FEBRUARY 2003

- Consulted with signatories to MOA (U.S. Army, KS-SHPO, and ACHP) and with the Kansas Attorney General
- Revised MOA and Covenants
- Prepared Administrative Record
- Submitted MOA to signatories and concurring parties for signature
- Executed MOA, February 14, 2003
- Submitted Administrative Record to GSA
- Submitted reference materials to local libraries.

**MEMORANDUM OF AGREEMENT
BETWEEN THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE
U.S. GENERAL SERVICES ADMINISTRATION, U.S. ARMY,
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND THE KANSAS STATE HISTORIC PRESERVATION OFFICER
REGARDING THE SUNFLOWER ARMY AMMUNITION PLANT
DISPOSAL ACTION NEAR DeSOTO, KANSAS**

WHEREAS, the Sunflower Army Ammunition Plant (Sunflower or the Property) is located near the City of DeSoto, Johnson County, Kansas, and is a government-owned, contractor operated military industrial installation comprising approximately 9,018.6 acres of land, and is currently under the jurisdiction of the United States Army (U.S. Army); and, the U.S. Army has determined Sunflower is excess to its needs and is available for disposal as surplus to the needs of the United States; and,

WHEREAS, pursuant to the authority of the 40 U.S.C. §§ 550; et seq., as amended, and rules, orders, and regulations issued pursuant thereto, the U.S. Army has requested and the U.S. General Services Administration (GSA) has accepted the authority and responsibility to dispose of Sunflower; and,

WHEREAS, the United States of America, acting by and through GSA (hereinafter sometimes referred to as the "United States" or "GSA"), the Advisory Council on Historic Preservation (Council), the Kansas State Historic Preservation Officer (Kansas SHPO), and the U.S. Army acknowledge the contemplated action meets the definition of "undertaking" for the purpose of compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), (16 USC 470 *et seq.*), and implementing regulations 36 CFR 800; and,

WHEREAS, the parties hereto agree that the contemplated disposal and transfer of Sunflower may have an adverse effect on historic properties, recorded and/or unknown; and,

WHEREAS, the GSA and the Kansas SHPO concur that the Area of Potential Effects (APE) for the transfer of the Property is limited to the boundaries of the Sunflower property as described in **Attachment 1**; and,

WHEREAS, the parties to this agreement recognize GSA will ultimately transfer Sunflower to non-federal public benefit and private development entities through a series of separate conveyances for reuse according to an approved community-based plan; and,

WHEREAS, the GSA and the Kansas SHPO concur that the Sam E. Roberts House (Building No. FH-3), located on the Property (NW ¼ of the NE ¼ of Section 25, Range 21 East, Township 13 South), is eligible for listing on the National Register of Historic Places (National Register), and therefore is identified as an historic property; and,

WHEREAS, the GSA and the Kansas SHPO concur that with the exception of the Sam E. Roberts House, identified above, there are no standing structures present on the Property that are eligible for listing in the National Register; and,

WHEREAS, the GSA and the Kansas SHPO concur that the Property, as a whole, although significant under Criterion (a) lacks sufficient integrity to be eligible for listing on the National Register; and,

WHEREAS, the GSA and the Kansas SHPO concur that the Property as a whole is not eligible for listing on the National Register as a Rural Historic Landscape; and,

WHEREAS, the GSA and the Kansas SHPO concur that the portion of the Property, identified as the Low Probability Area, consisting of approximately 6,860 acres and identified in **Attachment 2**, has been heavily disturbed by past construction activities and it is not contemplated that transfer of this portion of the Property to non-federal entities will cause any adverse effects to historic properties. However, due to the nature of archeological manifestations, GSA will ensure that **Attachment 6** is made part of all transfers so that all unanticipated discoveries are evaluated for NRHP eligibility; and,

WHEREAS, the GSA, the U.S. Army, the Council, and the Kansas SHPO concur that the United States can transfer title to the portion of the Property identified as the Low Probability Area to federal or non-federal entities without further review under the NHPA; and,

WHEREAS, the GSA and the Kansas SHPO concur that the portion of the Property identified as the High Probability Area, consisting of approximately 2,159 acres and identified in **Attachment 3**, has not been heavily disturbed by past construction activities and that: (1) it is contemplated that transfer of this portion of the Property to non-federal entities may cause adverse effects to historic properties; and, (2) that the consideration of effects to historic properties is required by GSA under the Section 106 process; and,

WHEREAS, the GSA and the U.S. Army acknowledge that the contemplated remediation activities may occur in either the Low Probability Area or the High Probability Area, and that such ground disturbing remediation activities within the HPA would be considered a federal undertaking that would require the consideration of effects to historic properties under the Section 106 process; and,

WHEREAS, GSA has: (1) contacted the Indian tribes that are associated with the region around Sunflower; (2) consulted with the Indian tribes that expressed interest in Sunflower (the Kaw Nation, the Shawnee Tribe, and the Absentee Shawnee Tribe of Oklahoma), and as of February 2003, no historic properties have been identified that have religious and cultural significance and no properties of traditional religious and cultural importance have been identified; and (3) has invited the Indian tribes to sign this Memorandum of Agreement (MOA) as concurring parties;

NOW THEREFORE, the United States, the U.S. Army, the Council, and the Kansas SHPO, agree that the referenced undertaking has the potential to effect historic properties in the

High Probability Area and that the United States is committed to carrying out its responsibilities under Section 106 of the NHPA in accordance with the statements above and the following stipulations, thereby taking into account the effects of its property disposal activities on historic properties and provided the Advisory Council on Historic Preservation a reasonable opportunity to comment.

STIPULATIONS

GSA shall ensure that the following measures are carried out:

I. Evaluation of High Probability Areas

The portions of the Property that are considered to be High Probability Areas for containing archeological resources include areas that have not been disturbed by past land use and have not been evaluated for the presence of potential historic properties. The High Probability Areas on the Property total approximately 2,159 acres (**Attachment 3**), and shall be evaluated first with a Phase II (pedestrian survey) evaluation. A Phase III evaluation of any recorded archeological sites will be performed when determined necessary by GSA, in consultation with the Kansas SHPO. These investigations (Phase II and III) will be completed before the title to any of the High Probability Areas Property "HPA Property" is transferred out of Federal ownership or before any ground disturbing remediation activities are performed. These archaeological investigations shall be conducted in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-44723).

At this time it is unclear how many grantees will ultimately receive portions of the HPA Property. GSA recognizes that an undo burden would be placed on the Kansas SHPO if they are responsible for reviewing and commenting on multiple project reports that present effect and eligibility determinations made by GSA concerning the evaluation of multiple HPA Properties and any historic properties contained in the those HPA Properties. Therefore, the GSA will submit the results of multiple Phase II and Phase III evaluations of the HPA to the SHPO in no more than four comprehensive project reports. The Kansas SHPO shall be provided an opportunity to comment on the findings and determinations of such identification work. All project reports, Kansas State Historical Society Archaeological Site Forms, and all related documentation (maps, references, additional site information, informants and interviews) for any identified archaeological sites will be submitted to the Kansas SHPO. National Register eligibility determinations will be prepared and submitted by GSA to the Kansas SHPO for review and concurrence of eligibility or non-eligibility. The locations of historic properties that are found to be eligible for listing in the National Register will be recorded in a geographic information system (GIS) and the boundaries of each historic property will be provided in the North American Datum (NAD) 1927. Prior to transfer out of Federal ownership, GSA will or will cause to have done a land survey by a land surveyor that is registered in the state of Kansas that will define the boundaries of each historic property; the boundaries will be recorded with the Kansas SHPO and, where authorized under state and/or federal law, with the Johnson County Register of Deeds.

In order to ensure a uniform product on the compilation of multiple survey reports, GSA, in consultation with the Kansas SHPO, has developed a standard Scope of Work that details the level of effort required for both the Phase II and Phase III investigations. GSA shall ensure that each archeological contractor conforms to the provisions of the approved Scope of Work (**Attachment 4**).

II. Implementation of Preservation Covenant for HPA Properties

If the Phase II and Phase III investigations identify "historic properties" [as defined in 36 CFR Part 800.16(l)(1)] in an area of the HPA Property to be transferred, the preservation covenant attached hereto as **Attachment 5** shall be included and made a material part of all final transfer instruments issued by GSA to the transferee of that property. As defined under Stipulation I, property that is located in the HPA will not be transferred until Phase II surveys and Phase III determinations are completed and approved by the Kansas SHPO. In the event that there is a lack of concurrence between GSA and the Kansas SHPO concerning the eligibility of a property, the Section 106 implementing regulations (36 CFR Part 800) and 36 CFR Part 63 will be followed to resolve the disagreement before the HPA Property in question is transferred to the Grantee.

III. Evaluating Known Archeological Sites

In addition to performing Phase III eligibility determinations on the historic properties discovered during the Phase II survey of the HPA, Phase III eligibility determinations on the six known archeological sites (14JO6, 14JO49, 14JO50, 14JO51, 14JO52, and 14JO53) located at Sunflower will be completed prior to federal transfer. The Kansas SHPO shall be provided an opportunity to comment on the findings and determinations of such identification work. Project reports, Kansas State Historical Society Archaeological Site Forms, and all related documentation for the archaeological sites referenced above will be submitted to the Kansas SHPO for review and comment. Formal National Register eligibility determinations will be prepared and submitted to the SHPO for review and concurrence of eligibility or non-eligibility. The locations of historic properties that are found to be eligible for listing in the National Register will be recorded in a GIS and the boundaries of each historic property will be provided in the NAD 1927. Should any of the six known archeological sites be found eligible for listing in the National Register, the preservation covenant attached hereto as **Attachment 5** shall be included and made a material part of all final transfer instruments issued by GSA to the transferee of that property.

If an historic property will be adversely affected by a proposed activity prior to transfer, the federal agency proposing said activity, GSA or the U.S. Army, will consult with the Kansas SHPO and any other identified consulting parties, pursuant to 36 CFR Part 800, to develop an approach to mitigate the adverse effect on the historic property.

IV. Implementation of Preservation Covenant for Non-HPA Properties

The portions of the Property that are considered to be either of Low or No Probability Areas ("Non-HPA Properties") include areas that have been disturbed by past land use and have not

been evaluated for the presence of potential historic properties. The Non-HPA Property comprises approximately 6,860 acres, more or less (**Attachment 2**).

In any area of Non-HPA Property to be transferred, the preservation covenant attached hereto as **Attachment 6** shall be included and made a material part of all final transfer instruments issued by GSA to the transferee of that property.

V. Native American Concerns

As of February 2003, the federally recognized Indian tribes that have expressed interest at Sunflower AAP (the Kaw Nation, the Shawnee Tribe, and the Absentee Shawnee Tribe of Oklahoma) have not identified any properties of traditional-religious and cultural importance within the Low Probability Area (Attachment 2). In accordance with the Kansas Unmarked Burial Sites Preservation Act, GSA has contacted the Kansas State Historical Society, and documented that no known unmarked burial sites are located on the Property. The federally recognized tribes that have expressed interest in Sunflower have surveyed portions of the HPA and have not identified any properties that have religious or cultural significance in the HPA. All of the HPA will be surveyed in accordance with the Kansas State Historical Society procedures for Phase II evaluations (as described in Stipulation I) and Phase III evaluations will be performed when determined necessary by GSA, in consultation with the Kansas SHPO. Should a potential historic property be identified during the Phase II evaluations in the HPA not previously evaluated by the tribes for historic properties of traditional religious and cultural importance (**Attachment 7**), the Kaw Nation, the Shawnee Tribe, the Absentee Shawnee Tribe of Oklahoma and other Federally recognized Indian tribes with a direct connection to the discovery will be afforded the opportunity to advise the GSA on the property's traditional religious and cultural importance. The GSA will review the comments from the Indian tribes and the Kansas SHPO and make a determination of eligibility for the discovery under review. The historic properties that have tribal religious or cultural significance will be afforded the same preservation covenants described in Section II, Implementation of Preservation Covenant; Section III, Evaluating Known Archeological Sites; and **Attachment 5**.

VI. Property Transferred to Other Federal Agency(ies)

In the event that any property or parcel(s) of the Property is transferred to another Federal agency, such a transfer will not be subject to this agreement as said property or parcel(s) would remain in the Federal inventory and the receiving Federal agency would assume Executive Order 11593 and Section 106 responsibilities.

VII. Sam E. Roberts House

While the U.S. Army has custody of the Sam E. Roberts House and until the historic property is transferred, the U.S. Army will follow the procedures outlined in Preservation Brief 31, *Mothballing Historic Buildings*, to secure and stabilize the structure on the historic property. Prior to transferring the Sam E. Roberts house from Federal ownership, GSA will place deed restrictions on said property that require the Grantee to institute a treatment plan, approved by the Kansas SHPO. These covenants are detailed in **Attachment 8**.

In the event that the Sam E. Roberts House is (i) substantially destroyed by fire or other casualty, or (ii) is not totally destroyed by fire or other casualty, but damaged thereto is so serious that the restoration would be financially impractical in the reasonable judgment of the Owner, the covenant shall terminate on the date of such destruction or casualty.

Upon such termination, the owner shall deliver a dully executed and acknowledged notice of such termination to the Kansas SHPO and recorded a duplicate original of said notice in the Johnson County Deed Records. Such notice shall be conclusive evidence in favor of every person dealing with the Sam E. Roberts House as to the facts set forth therein.

VIII. Duration

This agreement shall be null and void if its terms are not carried out within five (5) years from the date of its execution, the date of the last signatory, or as extended by the signatories (GSA, the U.S. Army, the Council, and the Kansas SHPO). Prior to such time, GSA may consult with the other signatories to reconsider the terms of the agreement and amend it in accordance with Stipulation XI, below.

IX. Unanticipated Discoveries

After the Phase II and III evaluations, but prior to federal transfer, if potentially historic properties are inadvertently discovered, evaluations will be performed to determine their eligibility for listing in the National Register.

If human remains are encountered at any time prior to transfer on any portion of the Property, the federal agency that discovered the remains, GSA or the U.S. Army, will contact and consult with the Kansas State Archeologist, in accordance with the Kansas Unmarked Burial Sites Preservation Act (KSA 75-2741 through 75-2754). If the remains are determined to be of aboriginal origin, the requirements set forth under the Native American Graves Repatriation Act (NAGPRA) (43 CFR Part 10.4) will be followed.

If human remains are encountered at any time on any portion of the Property after transfer, out Federal ownership the Grantee shall notify and consult with the Kansas State Archeologist, in accordance with the Kansas Unmarked Burial Sites Preservation Act (KSA 75-2741 through 75-2754). The Grantee will comply with any recommendations put forth by the Unmarked Burial Sites Preservation Board.

X. Monitoring and Reporting

Each year, within the first 2 weeks of December, following the execution of this agreement, until it expires, is terminated, or the Property has been transferred from Federal ownership, the GSA shall provide all signatories to this agreement a summary report detailing work undertaken pursuant to its terms. Said report shall include any proposed scheduling changes, any problems encountered, and any disputes and/or objections received in the GSA's efforts to carry out the terms of this agreement. Failure to provide such a report may be considered non-compliance with the terms of this MOA pursuant to Stipulation XII, below.

XI. Dispute Resolution

Should any party to this agreement object at any time to any actions proposed pursuant to the agreement, or the manner in which the terms of this MOA are implemented, GSA, on behalf of and in coordination with the Army, will consult further with the objecting party to resolve the objection. If GSA determines that such objection cannot be resolved, GSA will forward all documentation relevant to the dispute to the Council including GSA's recommended resolution of the objection. Within 30 calendar days after receipt of all pertinent documentation, the Council will either:

1. Advise GSA that it concurs with GSA's recommended resolution, whereupon GSA will respond to the objection accordingly; or
2. Provide GSA with recommendations, which GSA will consider in reaching a final decision regarding the dispute; or
3. Notify GSA that it will comment pursuant to 36 CFR 800.7(c), and proceed to comment on the subject in dispute. Any Council comment provided in response to such a request will be considered by GSA in accordance with 36 CFR 800.7(c)(4) with reference only to the subject of the dispute.

Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute, and the responsibility of GSA to carry out all actions under this MOA that are not the subject of the dispute will remain unchanged.

If the Council fails to provide recommendations or to comment within the specified time period, GSA may implement the action subject to dispute under this Stipulation in accordance with its recommended resolution.

The GSA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged. The GSA will notify all parties of its decision in writing before implementing that portion of the undertaking subject to dispute under this stipulation. The GSA's decision will be final.

XII. Amendments and Noncompliance

If any signatory to this MOA determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other signatories to develop an amendment to this MOA pursuant to 36 CFR Part 800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy signed by all of the original signatories is filed with the Council. If the signatories cannot agree to appropriate terms to amend the MOA, any signatory may terminate the agreement in accordance with Stipulation XIV, below.

XIII. Assignment

The parties to the MOA further understand and agree in a conveyance of any of the property hereinabove described, the SHPO may, at its discretion and without prior notice to the United States and/or any ultimate transferee of such property, convey and assign the enforcement of the historical covenants described in **Attachments 5, 6, and 8** to a similar local, state or national organization under Section 170 (h)(3) of the Internal Revenue Code, provided that any such conveyance or assignment requires that conservation purposes for which the historical covenants were granted will continue to be carried out.

XIV. Termination

If this MOA is not amended following the consultation set out in Stipulation XII, it may be terminated by any signatory (United States, GSA, the U.S. Army, the Council, or the Kansas SHPO). Within 30 days following termination, the GSA shall notify the signatories if it will initiate consultation to execute an MOA with signatories under 36 CFR §800.6(c)(1), or request the comments of the Council under 36 CFR §800.7(a) and proceed accordingly.

This MOA is executed by the following Federal and State agencies: GSA, the U.S. Army, the Council, and the Kansas SHPO. The implementation of this MOA and its terms provide evidence that the GSA has completed the Section 106 process by taking into account the effects of this undertaking on historic properties and affording the Council an opportunity to comment.

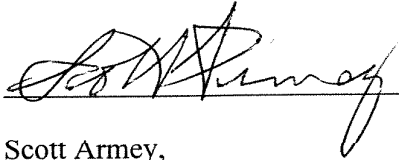
XV. Anti-Deficiency Act

Any requirement for the payment or obligation of funds by the Government established by the terms of this agreement shall be subject to the availability of appropriated funds. No provision in this agreement shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 USC Section 1341.

SIGNATORIES:

UNITED STATES OF AMERICA

Acting By and Through the U.S. General Services Administration



Date: 3-18-03

Scott Armey,
Regional Administrator, Greater Southwest Region

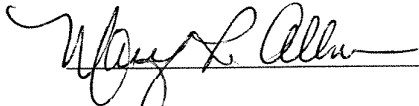
US ARMY



Date: 13 Mar 03

Donald L. Bohannon
Acting Director, Atlanta Field Office
Department of the Army, Base Realignment and Closure

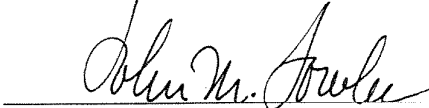
KANSAS STATE HISTORICAL SOCIETY



Date: 3-20-03

Mary R. Allman, Kansas State Historic Preservation Officer

ADVISORY COUNCIL ON HISTORIC PRESERVATION



Date: 4/3/03

John M. Fowler, Executive Director, Advisory Council on Historic Preservation

CONCURRING PARTIES:

Guy Monroe, Chairperson
Kaw Nation
Drawer 50
Kaw City, OK 74641

Signature: _____ Date: _____

Greg Pitcher, Director
Shawnee Tribe
P.O. Box 189
Miami, OK 74355

Signature: _____ Date: _____

Larry Nucholls, Governor
Absentee-Shawnee Tribe of Oklahoma
2025 S. Gordon Cooper, Dr
Shawnee, OK 74801

Signature: _____ Date: _____

Craig Crease
California and Oregon Trails Association
12013 West 74th Street
Shawnee, KS 74801

Signature: _____ Date: _____

Jimmie D. Oyler
P.O. Box 505
DeSoto, KS 66018-0505

Signature: _____ Date: _____





Don Jarrett, County Attorney
Johnson County
1111 S. Cherry
Olathe, KS 60661

Signature: _____ Date: _____

Micheline Burger, President
Taxpayers Opposed To Oz
26622 West Greentree Ct.
Olathe, KS 6601

Signature: _____ Date: _____

Sunflower MOA
March 13, 2003
Signatory Initials -

GSA:  U.S. Army:  Kansas SHPO:  ACHP: 

Dr. Tom Warner
Kansas State University
Dept. of Horticulture, Forestry and Recreational Recourses
2021 Throcmortan
Manhattan, KS 66506

Signature: _____ Date: _____

Nancy Wallerstein, Chair
Johnson County Park & Recreation District
7900 Renner Rd.
Shawnee Mission, KS 66219-9723

Signature: _____ Date: _____

Dr. Marilyn C. Layman
Superintendent of Schools
DeSoto Unified School District 232
8305 Peoria Street
P.O. Box 449
DeSoto, KS 66018-0449

Signature: _____ Date: _____

Michael J. Armstrong, General Counsel
Water District No 1 of Johnson County
P.O. 2921
Shawnee, KS 66201

Signature: _____ Date: _____

Jim Pottorff
University of Kansas
Strong Hall Room 245
1450 Jayhawk Blvd.
Lawrence, KS

Signature: _____ Date: _____

Mayor David Anderson
City of DeSoto,
City Hall
33150 W. 83 St.
DeSoto, KS 66018

Signature: _____ Date: _____

Others

Print Name and Title: _____

Signature: _____

Date: _____

Others

Print Name and Title: _____

Signature: _____

Date: _____

Others

Print Name and Title: _____

Signature: _____

Date: _____

Others

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Signature: _____

Date: _____

Others

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Signature: _____

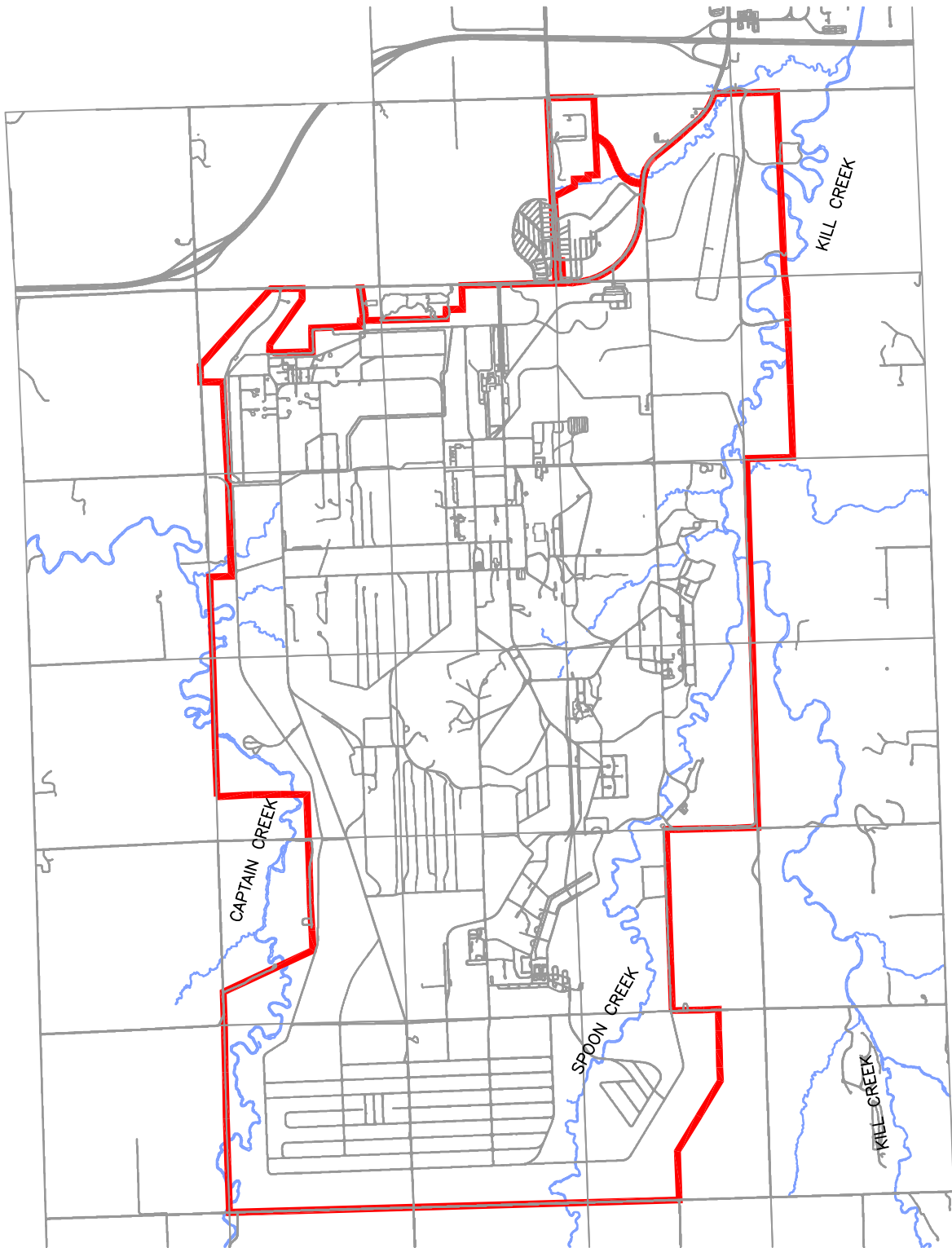
Date: _____

Others

Print Name and Title: _____




Signature: _____

Date: _____



0 2250 4500
SCALE IN FEET

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-  SUNFLOWER AAP BOUNDARY AND APE
-  CREEK
-  ROADS

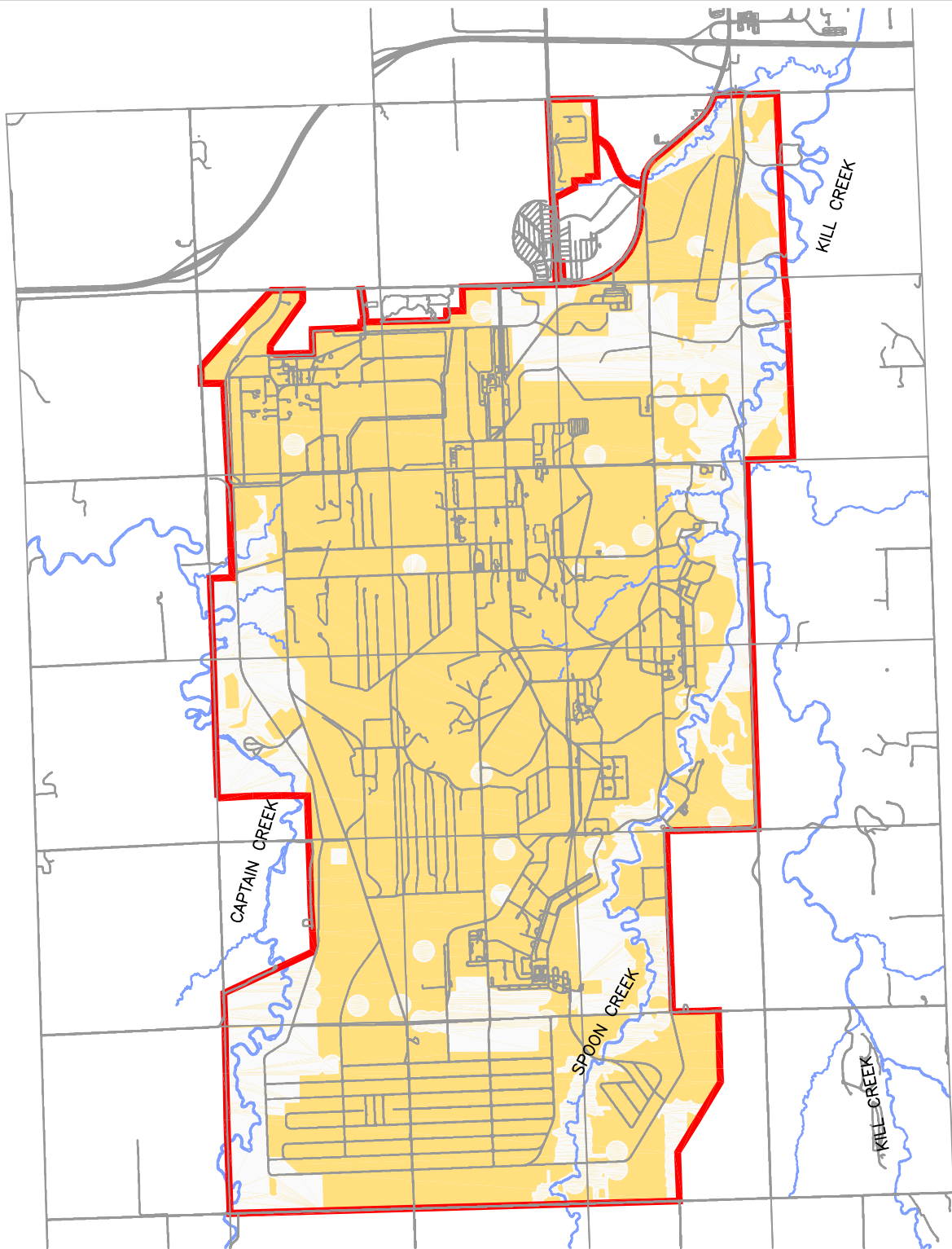


SUNFLOWER ARMY
AMMUNITION PLANT
JOHNSON COUNTY, KANSAS





ATTACHMENT 1
SUNFLOWER AAP
AREA OF POTENTIAL EFFECTS (APE)



TETRA TECH EM INC.



LEGEND

-  SUNFLOWER AAP BOUNDARY
-  CREEK
-  ROADS
-  LOW PROBABILITY AREA

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SCALE IN FEET

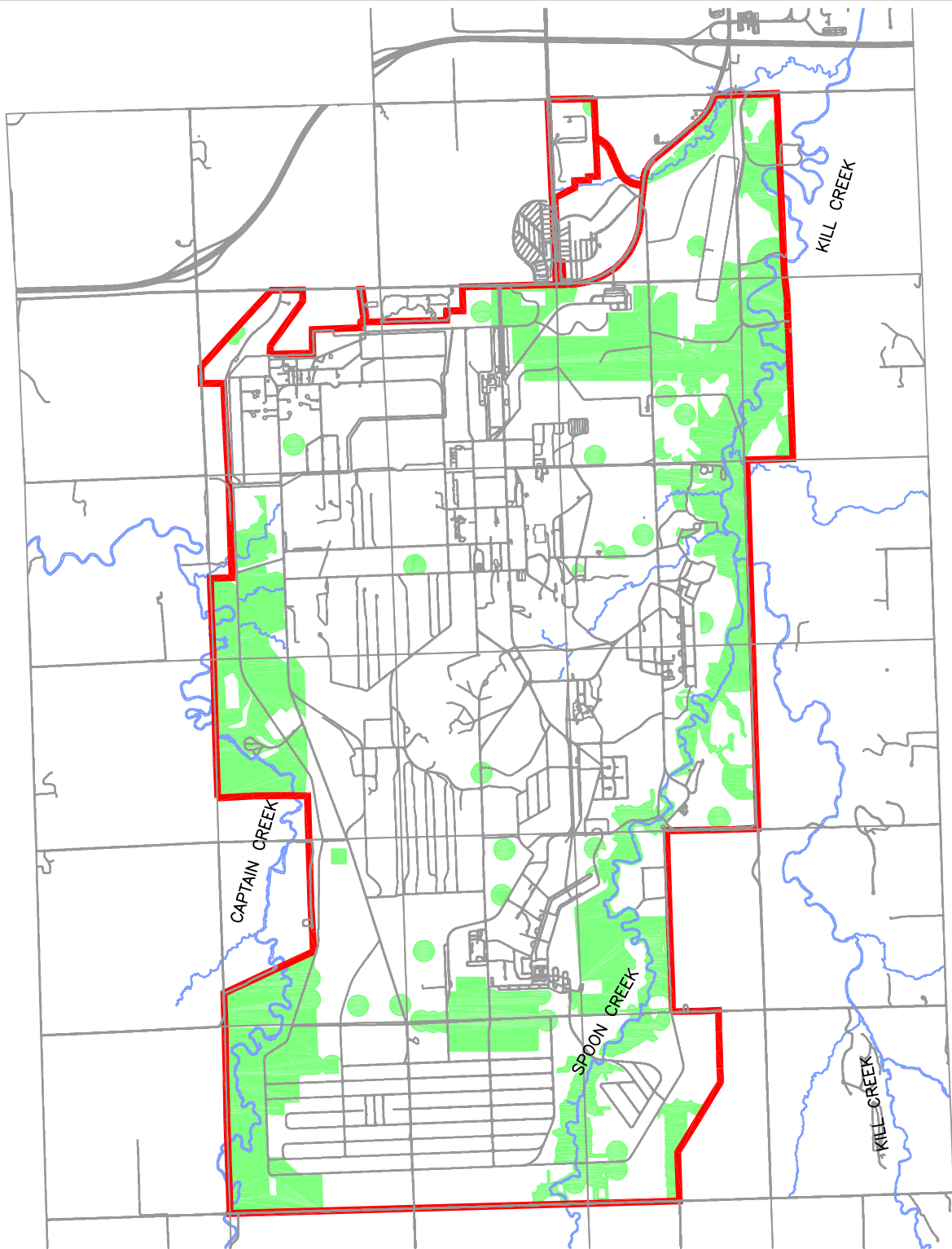


SUNFLOWER ARMY
AMMUNITION PLANT
JOHNSON COUNTY, KANSAS

ATTACHMENT 2
SUNFLOWER AAP
LOW PROBABILITY AREA



TETRA TECH EM INC.



LEGEND

- SUNFLOWER AAP BOUNDARY
- CREEK
- ROADS
- HIGH PROBABILITY AREA

0 2250 4500
SCALE IN FEET



SUNFLOWER ARMY
AMMUNITION PLANT
JOHNSON COUNTY, KANSAS

ATTACHMENT 3
SUNFLOWER AAP
HIGH PROBABILITY AREA



TETRA TECH EM INC.

ATTACHMENT 4

SCOPE OF WORK

FOR

PHASE II ARCHEOLOGICAL SURVEY WITHIN HIGH PROBABILITY AREAS

OF THE SUNFLOWER ARMY AMMUNITION PLANT

The General Services Administration (GSA) and the Kansas State Historic Preservation Office (SHPO) have determined approximately 2,159 acres of the Sunflower Army Ammunition Plant (Sunflower) to be High Probability Areas for the presence of prehistoric and historic archeological resources. As such, in accordance with Section 106 of the National Historic Preservation Act (NHPA), these areas require Phase II archeological survey prior to the transfer of the Sunflower Property from Federal control.

This Scope of Work pertains to the Phase II archeological evaluations performed on the Sunflower property as indicated on the attached maps. The Phase II archeological surveys shall entail an intensive surface and subsurface inspection of the defined Project Area in order to record the presence of all prehistoric or historic archeological sites encountered. The investigation shall be carried out under the following stipulations:

STIPULATIONS

1. **Project Personnel.** All project work shall be conducted under the direct supervision of a Principle Investigator meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology, and having a knowledge of the prehistory of Kansas. The Principle Investigator shall directly supervise the field crew for a minimum of 40% of the project fieldwork. A crew chief or field supervisor with at least one year of field experience and/or specialized field training, including at least six months in a supervisory role, and a knowledge of the prehistory of Kansas, shall be present on site in the absence of the Principle Investigator.

All project crew members shall have a minimum of two weeks of previous archeological field experience prior to any investigation of the Sunflower property. The qualifications of all project personnel shall be documented by inclusion of a resume in the final project report if it is not currently on file at the SHPO office.

2. **Archival and Background Research.** Background research for the Project Area has already been completed and is contained within documents available from the GSA. The GSA shall provide the archeological contractor copies of all previous archival and background research for use during the investigation. This shall minimally include: archeological site records for all recorded sites within the Project Area; the Sunflower Army Ammunition Plant Cultural Resources Management Plan (Waite and Peter 1996); and the Sunflower Army Ammunition Plant Johnson County, Kansas, Environmental Assessment (Louis Berger & Assoc., Inc. and Dames & Moore 1999). The contractor

shall review all background materials prior to any fieldwork, and shall utilize the information presented to ensure an appropriate investigation of the Project Area.

3. **Archeological Field Techniques.** The following archeological field techniques are required by this Scope of Work to ensure that all areas of the Sunflower Army Ammunition Plant are subject to a uniform survey methodology. Survey techniques are mandated by percentage of ground surface visibility, and landform slope.

Areas of 50% Ground Surface Visibility or Greater. Areas of 50% ground surface visibility or greater shall be subject to standard pedestrian survey with 10 meter spacing between transects. To evaluate the potential for buried sites, pedestrian survey shall be augmented by the excavation of auger tests every 30 meters along each transect. Auger tests shall be excavated with a standard bucket auger; the use of screw or earth augers will not be permitted. Auger tests shall consist of the manual excavation of probes 10-centimeter (4") diameter or greater, to a depth of 1.4 meters. Auger tests shall be excavated in 20 centimeter arbitrary levels and all sediments shall be screened through 1/4" hardware cloth. Sediment profiles shall be recorded for each test and locations shall be keyed to a scaled project map.

Areas with less than 50% Ground Surface Visibility. Areas with less than 50% ground surface visibility shall be investigated by excavation of shovel tests. Shovel tests shall consist of the excavation of 35-centimeter diameter units every 10 meters on 10-meter spaced transects, resulting in a 10-meter shovel test grid of the Project Area. Shovel tests shall reach a minimum depth of 50 centimeters unless bedrock is encountered. The base of every third shovel test shall be augured with a 10-centimeter (4") diameter or greater auger bucket to a depth of 1.4 meters. Auger tests shall be excavated with a standard "bucket" auger; the use of "screw" or "earth" augers will not be permitted. Shovel and auger tests shall be excavated in 20-centimeter arbitrary levels with all recovered material screened through 1/4" hardware cloth. Sediment profiles for the combined shovel/auger tests shall be recorded and keyed to a scaled project map.

Areas with a Slope greater than 10%. Areas of greater than 10% surface slope shall not be subject to either surface or subsurface inspection.

4. **Site Recording.** Each prehistoric and historic archeological site encountered within the Project Area shall be recorded on a standard *Kansas State Historical Society Archeological Site Form* (Site Form), which shall be accompanied by a topographic location map and a scaled site map. Archeological sites shall be recorded if the criteria detailed in the definitions below are satisfied. The Principal Investigator may record a find or locale, not satisfying the criteria listed below, as a site if he/she thinks there is ample justification to do so.

Prehistoric Site Definition. A prehistoric archeological site shall be defined as any one of the following: one diagnostic artifact; one man-made feature; or three or more artifacts within a 20 x 20 meter area. Anything below this threshold is considered an isolated find and is not recorded by the Kansas State Historical Society. Isolated finds should not be

recorded on Site Forms, but should be noted on project maps and briefly described in the project report.

Historic Site Definition. A historic archeological site shall be defined as any man-made feature 50 years of age or older, dating to the historic period. This definition includes trash dump areas, but not diffuse scatters of historic material. Diffuse scatters of historic material should be noted on project maps and briefly described in the project report, but should not be recorded on Site Forms.

Defining Site Boundaries. Site boundaries shall be defined by the extent of the surface scatter of artifacts in areas with 50% or greater surface visibility, or by shovel testing in areas of <50% visibility. In defining site boundaries by shovel testing, shovel tests shall be excavated along transects at a reduced interval of 5 meters at the site edge until two consecutive negative shovel tests are excavated. The outermost positive shovel tests shall be used to define the boundary of the site.

Scaled Site Sketch Map. A scaled site sketch map shall be produced for every recorded archeological site. The site sketch map shall illustrate the boundary of the site and shall include the locations of all shovel and auger tests excavated within the site boundary as well as those used to define the site boundary. The sketch map shall differentiate between positive and negative test units and shall indicate the locations of all artifacts collected from the site surface. The sketch map shall include a north arrow, scale, and key.

Global Positioning System (GPS) Reading. A minimum of one GPS reading based on the NAD 27 shall be taken at each archeological site, with the reading location and coordinates included on the Site Form.

5. **Collection Techniques.** All diagnostic artifacts, all artifacts recovered from subsurface deposits, and a representative sample of non-diagnostic surface artifacts shall be collected.
6. **Laboratory Techniques.** All artifacts shall be washed or dry brushed and catalogued based on the procedures established by the curation facility. Lithic artifacts shall be segregated and analyzed by tool and debris age classes prior to cataloguing. Ceramic materials shall be segregated into body and rim categories and shall be analyzed according to temper and surface treatment prior to cataloging. Faunal remains shall be separated into classes based on genus (and species when possible), and identified by skeletal element when possible.
7. **Project Report.** Individual field investigations may be combined by GSA or its contractor into larger project reports for submission to SHPO. Therefore, coordination with other parties may be necessary. Each project report must be a stand-alone document containing all of the information necessary for SHPO to complete a project review.

Report Compilation. If the results of multiple survey investigations are combined into one larger report, all sections from these separate evaluations pertaining to methodology, survey results, recommendations of eligibility, and recommendations for avoidance/mitigation, etc. shall be compiled and presented together.

Terminology. Report terminology shall conform to the system utilized in the State of Kansas: “Phase I” shall refer to the site file search and project research conducted prior to the field investigation; “Phase II” shall refer to intensive archeological survey of the Project Area; and “Phase III” shall refer to the testing of sites for National Register of Historic Places eligibility.

Report Format. The report format shall follow the standards established by the Kansas SHPO. For assistance in completing the project report, the archeological contractor should refer to the *SHPO’s Guide to Archeological Survey, Assessment, and Reports* available from <http://www.kshs.org/resource/section106home.htm>.

Background Information. The project report shall reference the relevant sections of the Cultural Resources Management Plan and Environmental Assessment documents provided by GSA. It shall also include a discussion of any archeological work conducted within the Project Area subsequent to these reports.

Site Records. A final *Kansas State Historical Society Archeological Site Form* shall be completed for each archeological site recorded. The Site Form shall contain the official trinomial, as assigned by the Kansas State Historical Society, and site map. All site forms shall be included in an appendix of the project report.

Legal Locations. Sites shall be referred to in the project report by their permanent trinomials only. The presentation of legal locations (section, township, and range) and location maps shall be restricted to appendices of the report.

8. **Curation.** All collected materials, project notes, and project documentation shall remain in the state of Kansas. A curation agreement shall be signed with an approved Kansas curation facility prior to the initiation of any fieldwork and a copy of the agreement shall be submitted to the SHPO. An approved facility shall meet the standards outlined in 36 CFR 79, *Curation of Federally-Owned and Administered Archaeological Collections*, or shall be approved by the SHPO.

**SCOPE OF WORK
FOR
PHASE III ELIGIBILITY TESTING OF ARCHEOLOGICAL SITES
WITHIN THE SUNFLOWER ARMY AMMUNITION PLANT**

The General Services Administration (GSA) has identified archeological sites on the Sunflower Army Ammunition Plant (Sunflower) Property that need to undergo National Register of Historic Places eligibility evaluation, in accordance with Section 106 of the National Historic Preservation Act (NHPA). These eligibility evaluations (Kansas Phase III) must be completed before the portions of the Sunflower Property containing these sites can be transferred out of federal ownership.

This Scope of Work pertains to the Phase III eligibility testing of the following sites: 14JO6, 14JO49, 14JO50, 14JO51, 14JO52, and 14JO53, in addition to any new historic sites discovered during the Phase II surveys. Phase III eligibility testing of these sites shall be carried out under the following stipulations:

STIPULATIONS

1. **Project Personnel.** All project work shall be conducted under the direct supervision of a Principle Investigator meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology, and having knowledge of the history and prehistory of Kansas. The Principle Investigator shall directly supervise the field crew for a minimum of 40% of the project fieldwork. A crew chief or field supervisor with at least one year of field experience and/or specialized field training, including at least six months in a supervisory role, and knowledge of the history and prehistory of Kansas, shall be present on site in the absence of the Principle Investigator.

All project crew members shall have a minimum of two weeks of previous archeological field experience prior to the Sunflower investigation. The qualifications of all project personnel shall be documented by inclusion of a resume in the final project report if it is not currently on file at the SHPO office.

The two specialties of Prehistoric and Historical Archeology are not interchangeable. The Principal Investigator shall demonstrate a proficiency in the specialization relevant to the site being investigated (see the *SHPO's Guide to Archeological Survey, Assessment, and Reports*; available at www.kshs.org/resource/section106home.htm).

2. **Archival and Background Research.** Background research for the Project Area has already been completed and is contained within documents available from the GSA. The GSA shall provide the archeological contractor copies of all previous archival and background research for use during the investigation. This shall minimally include: the most recent archeological site records for all recorded sites; the Sunflower Army Ammunition Plant Cultural Resources Management Plan (Waite and Peter 1996); the Sunflower Army Ammunition Plant Johnson County, Kansas, Environmental Assessment

(Louis Berger & Assoc., Inc. and Dames & Moore 1999); and the project report documenting the Phase II investigation of these sites. The contractor shall review all background materials prior to any fieldwork, and shall utilize the information presented to ensure an appropriate investigation of the archeological sites.

3. **Archeological Field Techniques.** The following archeological field techniques are required by this Scope of Work to ensure that all archeological sites investigated within the Sunflower Army Ammunition Plant are subject to a uniform testing methodology.

Supplemental Phase II. A Phase II archeological survey has been previously completed for each site, however, if the Phase III investigation does not immediately follow the survey work, it will be necessary to verify and redefine the boundaries of each site. Site boundaries shall be redefined using the guidelines below.

Redefining Site Boundaries. Site boundaries shall be redefined by the extent of the surface scatter of artifacts in areas with 50% or greater surface visibility, or by shovel testing in areas with less than 50% surface visibility. This redefinition survey shall be conducted by intensive pedestrian surface inspection with transects no more than 1.5 meters apart. In defining site boundaries by shovel testing, shovel tests shall be excavated along 10-meter spaced transects, with a reduced interval of 5 meters at the site edge, until two consecutive negative shovel tests are excavated. The outermost ring of positive shovel tests shall be used to re-establish the boundary of the site.

Surface Collection. All diagnostic artifacts, pottery, and tools shall be collected from the site surface and their locations mapped relative to the site's principal datum. A horizontal sampling grid of appropriate size shall be superimposed over the site, and a sample (at a minimum) of the surface artifacts shall be collected.

Phase III Testing Methodology. In areas with less than 50% surface visibility, supplemental shovel test transects shall be excavated at 5-meter intervals within the defined site, to identify areas of high and low artifact densities. Once artifact concentrations (or areas with a high potential of containing features) are identified, by surface survey or shovel testing, these areas shall be hand excavated with the use of 1x1 and/or 1x2 meter excavation units, or by expanded units if deemed necessary. A minimum of three 1x1-meter test units shall be excavated at each archeological site, up to a maximum of eight 1x1-meter units.

All test units shall be excavated by hand and vertical control shall be maintained by employing 10-centimeter arbitrary levels. All test units shall be excavated 20 centimeters into archeologically sterile deposits. All artifacts greater than 2 centimeters in maximum dimension, encountered during excavation, shall receive three-dimensional coordinates that are referenced to the site's principal datum. Excavated fill from all units shall be processed through 1/4" wire mesh hardware cloth and all artifacts shall be collected. Bulk artifact categories such as fire cracked rock may be sampled, weighed, documented, and left in the field. All test units, upon completion, shall be profiled (and photographed if warranted), and these shall be included in the project report.

Feature Excavation. If archeological features are encountered, they shall be photographed, mapped, and excavated. Flotation samples may be excavated from features, but they must be fully processed, catalogued, analyzed, and discussed in the project report. Feature photographs and maps shall be included in the project report.

4. **Site Recording.** Each archeological site tested under this Scope of Work shall receive a revised Site Form completed on a standard *Kansas State Historical Society Archeological Site Form*, which shall be accompanied by a topographic location map and a scaled site map.

Scaled Site Map. A drafted site map shall be produced for each site that undergoes Phase III evaluation. Such a map shall illustrate the boundary of the site, locations of excavated units, locations of positive and negative shovel tests, locations of surface artifact concentrations, locations of diagnostic artifacts recovered from the surface, surface collection units, etc. The map shall differentiate between positive and negative test units. The map shall utilize standard map features along with a scale and map key.

Nature and Results. The nature of the site and the results of the Phase III testing shall be briefly described in the Comments section of the Site Form.

Global Positioning System (GPS) Reading. Multiple GPS readings shall be taken to accurately document the extent of the site's boundary. These GPS readings shall be accurate to within five meters and should be based on the 1927 North American Datum (NAD 27). These boundary definition GPS readings shall be included on the revised Site Form.

Permanent Site Datum. If not already established, a permanent site datum shall be set at every archeological site the Principal Investigator is recommending as eligible for listing on the National Register of Historic Places.

5. **Laboratory Techniques.** All artifacts shall be washed or dry brushed and catalogued according to the procedures established by the curation facility. Lithic artifacts shall be segregated and analyzed by tool and debitage classes prior to cataloguing. Ceramic materials shall be segregated into body and rim categories and shall be analyzed according to temper and surface treatment prior to cataloguing. Faunal remains shall be separated into classes based on genus (and species when possible) and identified by skeletal element when possible. Special samples (e.g., flotation samples), if collected, shall be fully processed, catalogued, and analyzed as appropriate.
6. **Project Report.** Individual field investigations may be combined by GSA or its contractor into larger testing reports for submission to SHPO. Therefore, coordination with other parties may be necessary. Each testing report submitted to SHPO must be a stand-alone document containing all of the information necessary for SHPO to complete a project review.

Report Compilation. If the results of multiple testing investigations are combined into one larger report, all sections from these separate evaluations pertaining to environment, culture history, previous investigations, methodology, testing results, site significance, recommendations of eligibility, recommendations for avoidance/mitigation, etc. shall be compiled and presented together.

Terminology. Report terminology shall conform to the system utilized in the State of Kansas: "Phase I" shall refer to the site file search and project research conducted prior to the field investigation; "Phase II" shall refer to intensive archeological survey of the Project Area; and "Phase III" shall refer to the testing of sites to determine their eligibility for listing on the National Register of Historic Places.

7. **Report Format.** The Phase III testing report format shall follow the standards established by the Kansas SHPO. The testing report shall include all of the information outlined in the "Archeological Survey Report" section of the *SHPO's Guide to Archeological Survey, Assessment, and Reports* available on-line at <http://www.kshs.org/resource/section106home.htm>, as well as the following.

Background Information. Because the Phase III testing report will provide a recommendation of eligibility for each site covered by this Scope of Work, a consideration of all previous archeological work at each site must be made. Therefore, all of the relevant information pertaining to a particular site, including all previous work at the site and previous recommendations, shall be compiled and discussed in the final testing report.

Detailed Methodology. A discussion of the specific testing methodology employed at each individual site must be included in the testing report.

Artifact Analysis. A description of the methodology used in artifact analysis, along with an interpretation of the artifacts shall be presented. Appropriate artifact tables detailing the frequency, type, and place of discovery of artifacts shall be included.

Figures and Profiles. Excavation unit wall profiles/soil profiles, and feature profiles and plan views shall be included. Appropriate photographs of the site, units, and features shall also be included. Photographs and/or drawings shall be provided of all recovered diagnostic artifacts.

Site Records. A final *Kansas State Historical Society Archeological Site Form* shall be completed for each archeological site tested. The Site Form shall contain the permanent trinomial and site map, and shall be included in an appendix of the project report. All Site Forms shall be restricted to an appendix of the Phase III testing report.

Legal Locations. Sites shall be referred to in the testing report by the site name or permanent trinomials only. Legal locations (section, township, and range) and location maps shall be restricted to an appendix of the report.

Site Description. A site description shall be provided detailing the physical appearance and condition of the site. The description shall include the following information: site type (camp, quarry, processing station); a statement of the kinds of cultural resources present and their distribution; and site chronology.

Site Significance. A statement of site significance shall be provided for each site subject to Phase III testing. The statement shall include the facts that place the site in a particular time, place, and course of events, and relate the site to patterns of history or prehistory. The statement shall identify the qualities of the site that make it eligible for listing on the National Register of Historic Places.

Recommendation of Eligibility. The archeological contractor shall make a recommendation of eligibility for each site based on the Secretary of the Interior's National Register Criteria (36 CFR 60.4). The contractor shall not make a determination of eligibility, but shall make a recommendation to be used by GSA in its evaluation of the site. The contractor shall provide a justification and explanation of the recommendation.

Statement of Project Impact. The contractor shall provide a statement describing the proposed impact to each archeological site, based on present plans.

Recommendations for Avoidance, Minimization, and Mitigation. The contractor shall provide recommendations for avoidance, minimization of impact, and/or mitigation as appropriate, based on the proposed project impact.

8. **Curation.** All collected materials, project notes, and project documentation shall remain in the state of Kansas. A curation agreement shall be signed with an approved Kansas curation facility prior to the initiation of any fieldwork and a copy of the agreement shall be submitted to the SHPO. An approved facility shall meet the standards outlined in 36 CFR 79, *Curation of Federally-Owned and Administered Archaeological Collections*, or shall be approved by the SHPO.

ATTACHMENT 5

**PRESERVATION COVENANT
FOR THE
CONVEYANCE OF HISTORIC PROPERTIES
AT THE SUNFLOWER ARMY AMMUNITION PLANT**

In consideration of the conveyance of certain real property of the Sunflower Army Ammunition Plant located in the County of Johnson, State of Kansas, the GSA hereby covenants on behalf of itself, its heirs, successors, and assigns to the Kansas State Historic Preservation Officer (Kansas SHPO) to protect the historic properties [as defined in 36 CFR 800.16(l)(1)] identified through the completion of Phase II and III evaluations by carrying out measures as follows:

1. Because historic properties are subject to the protection provisions of the National Historic Preservation Act (16 U.S.C. 470), any ground disturbing activity within the boundaries of any historic property shall not be undertaken or permitted to be undertaken without the express prior written permission of the Kansas SHPO, signed by a fully authorized representative thereof.

Should the Kansas SHPO require, as a condition of granting permission for any ground disturbing activity, the Grantee shall conduct Phase IV archeological data recovery operations or other activities designed to avoid, minimize, or mitigate the adverse effect of the proposed activity on an historic property. The Grantee shall consult with any federally recognized Indian Tribe that has expressed or has demonstrated an interest and connection to the historic property. The Grantee shall, at its own expense, conduct data recovery operations or other related activity in accordance with the Secretary of Interior's *Standards and Guidelines for Archeological Documentation* (48 FR 44734-37) and such standards and guidelines as the Kansas SHPO may specify, including but not limited to standards and guidelines for Principal Investigator qualifications, research design, conduct of field work, conduct of analysis, preparation and dissemination of reports, and the disposition of artifacts and other materials. The Grantee shall be responsible for the curation activities and associated fees.

2. If human remains are encountered at any time on any portion of an historic property, the Grantee shall notify and consult with local law enforcement agencies and the Kansas State Archeologist, in accordance with the Kansas Unmarked Burial Sites Preservation Act (KSA 75-2741 through 75-2754). The Grantee shall comply with any ruling(s) made by the Unmarked Burial Sites Preservation Board.
3. The Grantee shall make every reasonable effort to prevent any person from vandalizing or otherwise disturbing an historic property. The Grantee shall follow any recommendation made by the Kansas SHPO for the purpose of protecting an historic property. Any such vandalism shall be promptly reported to the Kansas SHPO.

4. The Kansas SHPO shall be permitted at all reasonable times to inspect any historic property to ascertain if the above conditions are being observed.
5. In the event of a violation (unauthorized disturbance of an historic property or any provision of this covenant, in addition to any remedy now or hereafter provided by law), the Kansas SHPO may, following reasonable notice to the Grantee, institute suit to enjoin said violation or to require the restoration of any historic property affected by such violation. If successful, the Kansas SHPO and/or the Kansas State Attorney General shall be entitled to recover all costs or expenses in connection with such suit, including all court costs and attorney fees.
6. This covenant is binding on the Grantee, its heirs, successors, and assignees in perpetuity. Restrictions, stipulations, and covenants contained herein shall be inserted by the Grantee verbatim or by express reference in any deed or legal instrument by which it divests itself of either the fee simple title or any other lesser estate in property transferred from the former Sunflower Army Ammunition Plant or any part thereof.
7. The failure of the Kansas SHPO to exercise any right or remedy granted under this instrument shall not have the effect of waiving or limiting the exercise of any right or remedy or the use of such right or remedy at any other time.
8. Grantor agrees that KS/SHPO may, at its discretion and without prior notice to Grantor, convey and assign this covenant to a similar local, state, or national organization whose purposes, interalia, are to promote historic preservation, and which is a qualified organization under Section 170(h)(3) of the Internal Revenue Code, provided that any such conveyance or assignment requires that the conservation purposes for which this covenant was granted will continue to be carried out.

ATTACHMENT 6

**PRESERVATION COVENANT
FOR THE
COVENANT FOR THE EVALUATION OF
UNANTICIPATED ARCHEOLOGICAL DISCOVERIES
AT THE SUNFLOWER ARMY AMMUNITION PLANT**

In consideration of the conveyance of certain real property of the Sunflower Army Ammunition Plant located in the County of Johnson, State of Kansas, the GSA hereby covenants on behalf of itself, its heirs, successors, and assigns to the Kansas State Historic Preservation Officer (Kansas SHPO) to protect unanticipated archeological discoveries [as defined in 36 CFR 800.16(l)(1)].

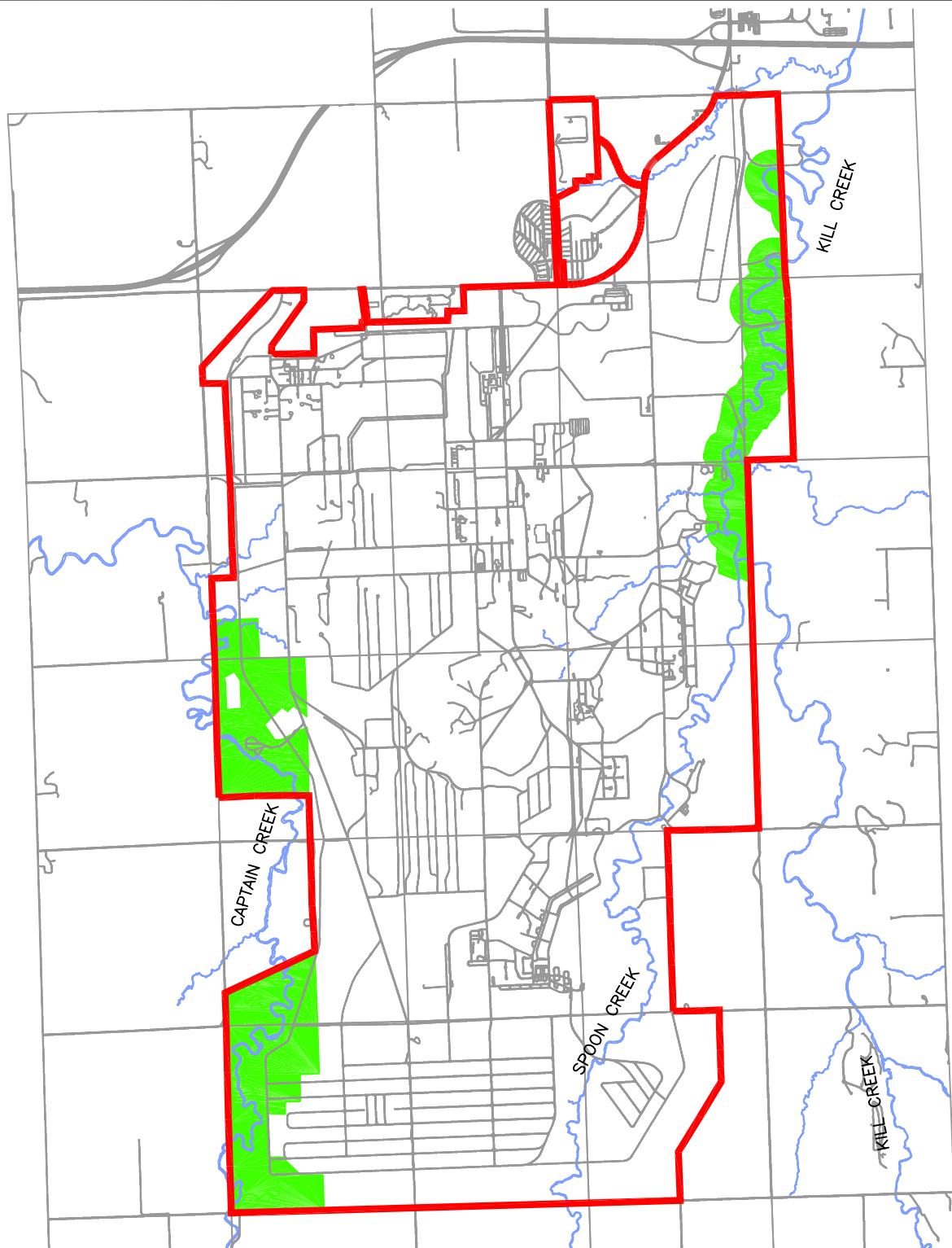
Due to the nature of archeological manifestations, it is always possible that buried cultural deposits may be present on portions of the Sunflower Property that have a low probability for containing such deposits and on portions of the Sunflower Property that have previously been subjected to archeological surveys. In an effort to protect any such archeological sites that might be eligible for listing on the National Register of Historic places, the GSA, its successors, etc., covenants to the Kansas SHPO to adhere to the following stipulations;

1. In the event that an archeological site is discovered during ground-disturbing activities on a portion of the former Sunflower Property, all ground-disturbing activities in the immediate vicinity of the discovery shall cease and the Grantee shall notify the Kansas SHPO. An archeological professional shall be contracted by the Grantee to determine whether or not the site needs to be evaluated for National Register Historic Places (NRHP) eligibility. The Phase II Scope of Work (Attachment # of the Memorandum of Agreement) shall be employed for this initial evaluation. The Grantee shall submit this determination to the Kansas SHPO for review and comment, and the SHPO shall be responsible for deciding if a NRHP eligibility evaluation is needed. The SHPO's determination concerning the need for further evaluation shall be final and binding. If the SHPO determines that the site is not eligible for listing on the NRHP, ground-disturbing activities shall be allowed to proceed.
2. If the SHPO determines that the site is potentially eligible for listing on the NRHP, the Grantee shall contract an archeological professional to evaluate the site for NRHP eligibility and provide the SHPO with a recommendation for review and comment. The Phase III Scope of Work (Attachment # of the Memorandum of Agreement) shall be employed for the NRHP eligibility evaluation. The Grantee The SHPO shall be responsible for making a determination of eligibility for the archeological site in question and this determination will be final. If the SHPO determines that the site is not eligible for listing of the NRHP, ground-disturbing activities shall be allowed to proceed.

If the SHPO determines that the site is eligible for listing on the NRHP as an historic property (36 CFR 800.16), and should the Kansas SHPO require, as a condition of





granting permission for any ground-disturbing activity, the Grantee shall conduct Phase IV archeological data recovery operations or other activities designed to avoid, minimize, or mitigate the adverse effect of the proposed activity on an historic property. The Grantee shall consult with any federally recognized Indian Tribe that has expressed or has demonstrated an interest and connection to the historic property. The Grantee shall, at its own expense, conduct data recovery operations or other related activity in accordance with the Secretary of Interior's *Standards and Guidelines for Archeological Documentation* (48 FR 44734-37) and such standards and guidelines as the Kansas SHPO may specify, including but not limited to standards and guidelines for Principal Investigator qualifications, research design, conduct of field work, conduct of analysis, preparation and dissemination of reports, and the disposition of artifacts and other materials. The Grantee shall be responsible for any curation arrangements and associated fees.

3. If the Grantee decides to discontinue the ground-disturbing in order to avoid impacts to a historic property, then the Preservation Covenant (Attachment # of the Memorandum of Agreement) shall be attached to the property title. The Grantee will then be bound by the stipulations contained in the Preservation Covenant for the historic property in question.
4. If human remains are encountered at any time on any portion of the former Sunflower Property, the Grantee shall notify and consult with local law enforcement agencies and the Kansas State Archeologist, in accordance with the Kansas Unmarked Burial Sites Preservation Act (KSA 75-2741 through 75-2754). The Grantee shall comply with any ruling(s) made by the Unmarked Burial Sites Preservation Board.
5. The Kansas SHPO shall be permitted at all reasonable times to inspect any archeological site that is undergoing National Register of Historic Places eligibility evaluation at the time of the evaluation.
6. In the event of lack of compliance with any provision of this covenant, in addition to any remedy now or hereafter provided by law, the Kansas SHPO may, following reasonable notice to the Grantee, institute suit to enjoin said violation or to require the restoration of any historic property affected by such violation. If successful, the Kansas SHPO and/or the Kansas State Attorney General shall be entitled to recover all costs or expenses in connection with such suit, including all court costs and attorney fees.
7. This covenant is binding on the Grantee, its heirs, successors, and assignees in perpetuity. Restrictions, stipulations, and covenants contained herein shall be inserted by the Grantee verbatim or by express reference in any deed or legal instrument by which it divests itself of either the fee simple title or any other lesser estate in property transferred from the former Sunflower Army Ammunition Plant or any part thereof.
8. The failure of the Kansas SHPO to exercise any right or remedy granted under this instrument shall not have the effect of waiving or limiting the exercise of any right or remedy or the use of such right or remedy at any other time.



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SCALE IN FEET

LEGEND

-  SUNFLOWER AAP BOUNDARY
-  CREEK
-  ROADS
-  TRIBAL AREAS OF INTEREST WITHIN HIGH PROBABILITY AREA



SUNFLOWER ARMY
AMMUNITION PLANT
JOHNSON COUNTY, KANSAS

ATTACHMENT 7
REMAINING AREAS OF
TRIBAL INTEREST



TETRA TECH EM INC.

ATTACHMENT 8

PRESERVATION COVENANT FOR THE CONVEYANCE OF THE SAM E. ROBERTS HOUSE AT THE SUNFLOWER ARMY AMMUNITION PLANT

In consideration of the conveyance of the Sam E. Roberts House (Roberts House) situated on the Sunflower property (NW ¼ of the NE ¼ of Section 25, Range 21 East, Township 13 South) in the County of Johnson, State of Kansas, the GSA hereby covenants on behalf of itself, its heirs, successors, and assigns at all times to the Kansas State Historic Preservation Officer (Kansas SHPO) to protect said historical properties as follows:

1. The acceptance of the delivery of a Deed conveying title to the property shall constitute conclusive evidence of the agreement of the Grantee to be bound by the conditions, restrictions, and limitations, and to perform the obligations herein set forth.
2. The Roberts House will be preserved and maintained by the Grantee in accordance with plans made in consultation with the Kansas SHPO. The U.S. Army Corps of Engineers, Fort Worth District, prepared a report entitled, "Roberts House Existing Conditions Survey," dated April 3, 2002. The report contains for roof repair, structural stabilization, and rehabilitation, which will be carried out by the Grantee, within 5 years of the executed date of transfer.
3. At the time of transfer out of Federal ownership, a land surveyor that is registered in the state of Kansas will define the boundaries of the historic property (Sam E Roberts House) and will recorded the boundaries with the Kansas SHPO and the Johnson County Register of Deeds.
4. Any development, alterations, or substantial repairs to the property shall be in compliance with the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* and shall be made in consultation with the Kansas SHPO. The Kansas SHPO will have 30 days to review and comment on any proposed work once complete and adequate notice is received in writing.
5. No physical or structural changes will be made to the exterior or interior of the structure without prior written consultation with the Kansas SHPO.
6. Representatives of the Kansas State Historic Preservation Office shall have the right to inspect the premises from time to time, upon reasonable notice, to determine whether the purchaser is in compliance with the terms of the MOA.
7. These restrictions shall be binding on the Parties hereto, their successors, and assignees in perpetuity; the Kansas SHPO may, for good cause, modify or cancel any or all of the foregoing restrictions upon written application of the Grantee, its successors or assignees.

8. In the event of a violation of this covenant, and in addition to any remedy now or hereafter provided by law, the General Services Administration, Kansas SHPO, or other interested party may, following reasonable notice to the Grantee, institute suit to enjoin said violation, or to require the restoration of the condition of the improvements on the Roberts House property in accordance with the standards specified in this covenant. The successful party shall be entitled to recover all costs or expenses incurred in connection with such a suit, including all court costs and attorney fees.
9. Grantor agrees that the Kansas SHPO may, at its discretion and without prior notice to Grantor, convey and assign this covenant to a similar local, state, or national organization whose purposes, interalia, are to promote historic preservation, and which is a qualified organization under Section 170(h)(3) of the Internal Revenue Code, provided that any such conveyance or assignment requires that the conservation purposes for which this covenant was granted will continue to be carried out.

UPDATED DEMOGRAPHIC INFORMATION

Since the original EA was completed in December 1999, the results of the 2000 U.S. Census have become available. The basic demographic information for the area around Sunflower is summarized in the following paragraphs and in Exhibit SUPP-4. Additional demographic, economic, social, and housing information about the area can be found at the U.S. Census Bureau website (<http://www.census.gov>). Other demographic and economic information about Johnson County, Kansas, and the Kansas City metropolitan area can be purchased from the County Economic Research Institute (CERI) (<http://www.cerionline.org/pubs.htm>).

The results of the 2000 Census show that Johnson County continues to grow in population, residential development, and economic strength. The population in 2000 was 451,086, up 27.1% since 1990. In comparison, over the same time period, population in Kansas grew only 8.5% and in the nation as a whole by 13.1%. In 2000, the home ownership rate in Johnson County 72.3%, up from 69.4% in 1990, and the median value of owner-occupied homes was \$150,100, up from \$91,500 in 1990. In contrast, median home value in Kansas in 2000 was only \$83,500, and in the nation as a whole, \$119,600. Johnson County also continues to outpace the state and the nation in per capita and household income. In 1999, the median household income in Johnson County was \$61,455 (compared with a statewide value of \$40,624 and a national value of \$41,994). The per capita income in Johnson County did decline slightly, from a 1995 value of \$32,909 to the 2000 value of \$30,919. The 2000 Census also describes a well-educated workforce supporting a service-based economy. Of Johnson County residents at least 25 years old, 47.7% had a bachelor's degree or higher and 94.9% had at least a high school diploma. Of those employed by the non-farm economy in 2000 (more than 99% of the total economy), more 77% of Johnson County residents worked in management, professional occupations, sales, office occupations, or other white-collar jobs.

Although Douglas County has a smaller population, it shows similar strong population growth. However, the demographics reflect the strong influence of the University of Kansas, with a well-educated population but lower per capita and per household income. In 2000, 60.1% of the student in Douglas County were enrolled in college or graduate school. The population in 2000 was 99,962, up 22.2% since 1990. As with Johnson County, this growth rate outpaces the state and the nation as a whole. In 2000, the home ownership rate in Douglas County, 51.9%, was lower than that of the state and the nation, but the median value of owner-occupied homes was \$117,800. In contrast, median home value in Kansas in 2000 was only \$83,500, and in the nation as a whole, \$119,600. In 1999, the median household income in Douglas County was only \$37,547 (compared with a statewide value of \$40,624 and a national value of \$41,994) and the per capita income was only \$19,952. However, of Douglas County residents at least 25 years old, 42.7% had a bachelor's degree or higher and 92.4% had at least a high school diploma. Of those employed by the non-farm economy in 2000 (more than 99% of the total economy), more than 65% of Douglas County residents worked in management, professional occupations, sales, office occupations, or other white-collar jobs.

Exhibit SUPP-4
Population Growth, Kansas City MSA and Related or Adjacent Entities
1990 - 2000

Rank	County or Other Entity	1990 Population	2000 Population	Numeric Change 1990 - 2000	Percent Change 1990 - 2000
1	Cass County, MO	63,808	82,092	18,284	28.7%
2	Platte County, MO	57,867	73,781	15,914	27.5%
3	Johnson County, KS	355,054	451,086	96,032	27.0%
	<i>Douglas County/Lawrence MSA</i>	<i>81,798</i>	<i>99,962</i>	<i>18,164</i>	<i>22.2%</i>
4	Miami County, KS	23,466	28,351	4,885	20.8%
5	Clay County, MO	153,411	184,006	30,595	19.9%
6	Clinton County, MO	16,595	18,979	2,384	14.4%
	<i>United States Total</i>	<i>248,709,873</i>	<i>281,421,906</i>	<i>32,712,033</i>	<i>13.2%</i>
	<i>Kansas City MSA</i>	<i>1,582,875</i>	<i>1,776,062</i>	<i>193,187</i>	<i>12.2%</i>
7	Leavenworth County, KS	64,371	68,691	4,320	6.7%
8	Ray County, MO	21,971	23,354	1,383	6.3%
9	Lafayette County, MO	31,107	32,960	1,853	6.0%
10	Jackson County, MO	633,232	654,880	21,648	3.4%
11	Wyandotte County, KS	161,993	157,882	-4,111	-2.5%

REFERENCES

A complete set of all the documents referred to in this supplemental EA, including the original 1999 EA and the FOSET document, are available at the following public libraries:

DeSoto Library
33145 West 83rd Street
Desoto, KS 66018
(913) 583-3106

Hours of Operation:
Sun – Mon: CLOSED
Tue, Wed, & Fri: 10am – 6 pm
Thu: 10am – 8pm
Sat: 10am – 2pm

Central Resource Library
9875 West 87th Street
Overland Park, KS 66212
(913) 495-2400

Hours of Operation:
Mon – Thu: 9am – 9pm
Fri: 9am – 6pm
Sat: 9am – 5pm
Sun: 1pm – 5pm

Olathe Public Library
201 East Park
Olathe, KS 66061
(913) 764-2259

Hours of Operation:
Mon – Thu: 9am – 9pm
Fri: 9am – 6pm
Sat: 9am – 5pm
Sun: 1pm – 5pm

The approved Preliminary FOSET and a draft of the KDHE/Developer consent order may also be viewed at: http://propertydisposal.gsa.gov/mip/army/sunflower/sunflower_library.asp (see Exhibit SUPP-2).